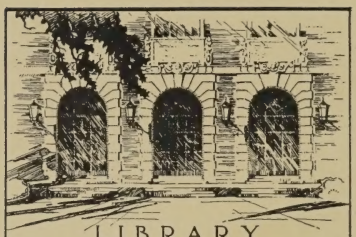

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JOURNAL

OF THE

House of Assembly of California,

AT THE

ELEVENTH SESSION OF THE LEGISLATURE,

BEGUN ON

THE SECOND DAY OF JANUARY, 1860, AND ENDED ON THE THIRTIETH DAY OF APRIL, 1860, AT THE CITY OF SACRAMENTO.

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CALIFORNIA LEGISLATURE----ASSEMBLY.

ELEVENTH SESSION.

HOUSE OF ASSEMBLY,
Monday, January 2d, 1860.

Pursuant to the requirements of law the House was called to order at twelve o'clock, M, by C. Gilman, Clerk of the last session.

The Clerk called the roll of counties, when the following gentlemen appeared, were duly qualified (the oath having been administered by the Hon. Judge Cope), and took their seats as Members of the Assembly:

Amador—John Bowman.
Butte—John Lambert.
Calaveras—V. A. Gallagher, Samuel Wilson, and H. A. Shelton.
Colusa—E. A. Stevenson.
Contra Costa—Cornelius Yager.
Del Norte and Klamath—John Daggett.
El Dorado—Asa B. Hawley, N. H. Stone, D. C. Patten, J. H. Watson, John C. Bell, D. Fairchild, and E. Dunlap.
Frezno and Tulare—T. M. Heston.
Humboldt—L. M. Burson.
Los Angeles—A. J. King.
Marin—Samuel Lewis.
Mariposa and Merced—J. B. Hammond and T. F. Jenkins.
Napa—Nathan Coombs.
Nevada—Phil Moore, C. F. Smith, Henry Hayes, and M. P. O'Connor.
Placer—J. N. Makins, J. W. Harville, D. S. Beach, and S. W. Lovell.
Plumas—J. B. Shannon and P. O. Hundley.
Sacramento—R. B. Ellis, D. W. Welty, L. C. Goodman, and Henry Starr.
San Bernardino—W. A. Conn.
San Diego—R. W. Groom.
San Francisco—Abner Phelps, J. C. Schmidt, Daniel Rogers, Jasper

1126359

Babcock, Samuel L. Theller, B. T. Pate, F. A. Sawyer, and S. S. Tilton.
San Mateo—W. B. Maxson.
San Joaquin—Thomas Laspeyre, and W. L. Campbell.
San Luis Obispo—Brier M. Henry.
Santa Barbara—José M. Covarrubias.
Santa Clara—J. M. Williams and D. B. Bailey.
Santa Cruz—J. L. Halsted.
Sierra—I. J. Haliday, and J. A. Johnson.
Siskiyou—Charles McDermit.
Solano—Thomas M. Swan.
Sonoma—Charles P. Wilkins.
Stanislaus—Minor Walden.
Sutter—J. L. Smith.
Trinity—A. C. Lawrence.
Tuolumne—G. W. Bailey, F. Yancey, E. A. Rodgers, and Robert Howe.
Yolo—H. Gwinn.
Yuba—C. H. Kungle, Benjamin T. O'Rear, Benjamin V. Hugg, J. M. Crowell, and J. Wescott.
Mendocino—J. B. Lamar.

On motion of Mr. Laspeyre, Mr. J. B. Lamar was chosen temporary Speaker.

On motion of Mr. Howe, F. M. Schell was chosen temporary Doorkeeper.

Mr. Daggett offered the following resolution:

Resolved, That the Standing Rules adopted at the last session be, and they are hereby, declared the rules by which the present House will be governed, until otherwise ordered.

Adopted.

The following protest was presented by James Gallagher:

SACRAMENTO, January 2, 1860.

To the Honorable Assembly of the State of California:

The undersigned was voted for, at the last general election, for Member of the Assembly for the city and county of San Francisco. He believes he received a majority of the votes of the qualified electors of said city and county, and that, contrary to right and justice, the Board of Canvassers awarded the certificate of election to one S. S. Tilton. The undersigned therefore protests against said Tilton acting as a Member of the Assembly from said city and county of San Francisco, until the matter of contest be settled by the Assembly, or a committee thereof. The undersigned served upon said Tilton proper notice of contest, and within the time specified by statute, and all the testimony has been taken, and is now on file in the office of the Secretary of State. This protestant, therefore, asks to be permitted to be heard at the bar of the Assembly in defense of this contest, in person and by counsel.

JAMES GALLAGHER.

Referred to the Committee on Elections, hereafter to be appointed.

On motion of Mr. Stevenson, the House proceeded to the election of a Speaker.

Mr. Stevenson nominated Philip Moore, of Nevada.

The vote for Speaker was taken, with the following result:

Names.	Moore.	Tilton.	Stevenson.
Babcock	1		
Bailey, of Santa Clara	1		
Bailey, of Tuolumne	1		
Beach	1		
Bell	1		
Bowman	1		
Burson	1		
Campbell	1		
Conn	1		
Coombs	1		
Covarrubias	1		
Crowell	1		
Daggett	1		
Dunlap	1		
Ellis	1		
Fairchild	1		
Gallagher	1		
Goodman	1		
Groom	1		
Gwinn	1		
Haliday	1		
Halstead	1		
Hammond	1		
Harville	1		
Hawley	1		
Hayes	1		
Henry	1		
Heston	1		
Howe	1		
Hugg	1		
Hundley	1		
Jenkins	1		
Johnson, of Sierra	1		
King	1		
Kungle	1		
Lamar	1		
Lambert	1		
Laspeyre	1		
Lawrence	1		
Lewis	1		
Lovel	1		
Makins	1		
McDermit	1		
O'Connor	1		
O'Rear	1		
Pate	1		
Patten	1		
Phelps	1		
Rodgers, of San Francisco	1		
Rodgers, of Tuolumne	1		
Sawyer	1		

Names.	Moore.	Tilton.	Stevenson.
Schmidt	1		
Shannon	1		
Shelton	1		
Smith, of Nevada	1		
Smith, of Sutter	1		
Starr	1		
Stevenson	1		
Stone	1		
Swan	1		
Theller	1		
Tilton		1	
Walden	1		
Warner	1		
Watson	1		
Welty	1		
Wescott	1		
White	1		
Wilkins	1		
Williams	1		
Wilson	1		
Yager	1		
Yancey	1		
Mr. Speaker			1
Totals	72	1	1

Mr. Moore having received a majority of all the votes cast, was declared duly elected Speaker of the Assembly, and Messrs. Welty, Laspeyre, and Johnson, of Sierra, were appointed to conduct Mr. Moore to the Chair, whereupon the oath of office was administered to him by Hon. Judge Hardy.

The Speaker, in assuming the duties of his office, then spoke as follows:

Gentlemen of the Assembly:—I am entirely unprepared for this marked evidence of your confidence. In return, I can therefore, only say, that I tender you my profound acknowledgments for the high honor which you have conferred upon me. I can assure you that it will be my first and only object to discharge the duties of the position with entire impartiality towards all and every one of you, and so far as it may be consistent with the interests of our constituents, to lend an active cooperation in discharging our legislative duties in such a manner as to insure a short session. Gentlemen of the Assembly, I again return you my sincere thanks for the distinguished honor which you have so unexpectedly conferred upon me.

On motion of Mr. Lamar, at ten minutes past one, p. m., the House adjourned until eleven o'clock to-morrow morning.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 3d, 1860.

The House met pursuant to adjournment.
Speaker in the Chair.
A quorum present.
The Journal of yesterday read and approved.
The following gentlemen presented their credentials and were duly qualified as members of the Assembly, viz:
John Conness, of El Dorado County.
P. C. Johnson, of Amador County.
F. R. Shattuck, of Alameda County.
Mariano Malarin, of Monterey County.

FOR CHIEF CLERK.

The House then proceeded to the election of Chief Clerk.
Mr. Stevenson nominated J. M. Anderson, of Tehama County.
The nominations having closed, the Assembly voted, with the following result:

Names.	Anderson.
Babcock	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	1
Beach	1
Bell	1
Bowman	1
Burson	1
Campbell	1
Conn	1
Coombs	1
Covarrubias	1
Crowell	1
Daggett	1
Dunlap	1
Ellis	1
Fairchild	1
Gallagher	1
Goodman	1
Gwinn	1
Haliday	1
Halsted	1
Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1

Names.	Anderson.
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Makins	1
McDermit	1
O'Rear	1
Pate	1
Patten	1
Phelps	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shannon	1
Shelton	1
Smith, of Nevada	1
Smith, of Sutter	1
Starr	1
Stevenson	1
Stone	1
Swan	1
Theller	1
Walden	1
Watson	1
Welty	1
Wescott	1
White	1
Wilkins	1
Williams	1
Wilson	1
Yager	1
Yancey	1
Mr. Speaker	1
Total	68

Mr. Anderson, having received all the votes cast, was declared duly elected.

FOR ASSISTANT CLERK.

Mr. Rodgers, of Tuolumne, nominated Mr. R. K. Weston, of Tuolumne. The vote was taken, with the following result:

Names.	Weston.
Babcock	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	1
Beach	1
Bell	1
Bowman	1
Burson	1
Campbell	1
Conn	1
Covarrubias	1
Crowell	1
Daggett	1
Dunlap	1
Ellis	1
Fairchild	1
Gallagher	1
Goodman	1
Gwinn	1
Haliday	1
Halsted	1
Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Lovell	1
Makins	1
Maxson	1
McDermit	1
O'Rear	1
Pate	1
Patten	1
Phelps	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shannon	1
Shelton	1

Names.	Weston.
Smith, of Nevada	1
Smith, of Sutter	1
Starr	1
Stevenson	1
Stone	1
Swan	1
Theller	1
Walden	1
Watson	1
Welty	1
White	1
Wilkins	1
Williams	1
Wilson	1
Yager	1
Yancey	1
Mr. Speaker	1
Total	68

Mr. Weston having received all the votes cast, was declared duly elected, and the Speaker administered to him the oath of office.

FOR SERGEANT-AT-ARMS.

Mr. Lawrence nominated Charles S. Tozer, of Siskiyou.
The result of the vote was as follows:

Names.	Tozer.
Babcock	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	1
Beach	1
Bell	1
Bowman	1
Burson	1
Campbell	1
Conn	1
Covarrubias	1
Crowell	1
Daggett	1
Dunlap	1
Ellis	1
Fairchild	1
Gallagher	1
Goodman	1
Gwinn	1
Haliday	1
Halsted	1

Names.	Tozer.
Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Lovell	1
Makins	1
Maxson	1
McDermit	1
O'Rear	1
Pate	1
Patten	1
Phelps	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shannon	1
Shelton	1
Smith, of Nevada	1
Smith, of Sutter	1
Starr	1
Stevenson	1
Stone	1
Swan	1
Theller	1
Walden	1
Watson	1
Welty	1
Wescott	1
White	1
Wilkins	1
Williams	1
Wilson	1
Yager	1
Yancey	1
Mr. Speaker	1
Total	69

Mr. Tozer having received all the votes cast, was declared duly elected, and was duly qualified.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Shelton nominated William Newsom, of Marin County.
The vote was taken, with the following result:

Names.	Newsom.
Babcock	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	1
Beach	1
Bell	1
Bowman	1
Burson	1
Campbell	1
Conn	1
Coombs	1
Covarrubias	1
Crowell	1
Daggett	1
Dunlap	1
Ellis	1
Fairchild	1
Gallagher	1
Goodman	1
Gwinn	1
Haliday	1
Halsted	1
Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
Johnson, of Sierra	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Lewis	1
Lovell	1
Makins	1
Maxson	1

Names.	Newsom.
McDermit	1
O'Rear	1
Pate	1
Patten	1
Phelps	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shannon	1
Shattuck	1
Shelton	1
Smith, of Nevada	1
Smith, of Sutter	1
Starr	1
Stevenson	1
Stone	1
Swan	1
Theller	1
Walden	1
Watson	1
Welty	1
Wescott	1
White	1
Wilkins	1
Williams	1
Wilson	1
Yager	1
Yancey	1
Mr. Speaker	1
Total	73

Having received all the votes cast, Mr. Newson was declared duly elected, and the oath was administered.

FOR ENGROSSING CLERK.

Mr. Howe nominated E. W. Casey, of Sierra County.
The vote was taken, with the following result:

Names.	Casey.
Babcock	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	1
Beach	1
Bell	1

Names.	Casey.
Bowman	1
Burson	1
Campbell	1
Conn	1
Covarrubias	1
Crowell	1
Daggett	1
Dunlap	1
Ellis	1
Fairchild	1
Gallagher	1
Goodman	1
Gwinn	1
Haliday	1
Halsted	1
Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
Johnson, of Sierra	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Lewis	1
Lovell	1
Makins	1
Malarin	1
Maxson	1
McDermit	1
O'Rear	1
Pate	1
Patten	1
Phelps	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shannon	1
Shelton	1
Smith, of Nevada	1
Smith, of Sutter	1

Names.	Casey.
Starr	1
Stevenson	1
Stone	1
Swan	1
Theller	1
Walden	1
Watson	1
Welty	1
Wescott	1
White	1
Wilkins	1
Williams	1
Wilson	1
Yager	1
Yancey	1
Mr. Speaker	1
Total	73

Mr. Casey was declared duly elected, and was qualified.

FOR ENROLLING CLERK.

The House then proceeded to the election of Enrolling Clerk.
Mr. Ellis nominated H. C. Kibbe, of Sacramento County.
The vote was taken, with the following result:

Names.	Kibbe.
Babcock	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	1
Beach	1
Bell	1
Bowman	1
Burson	1
Campbell	1
Conn	1
Covarrubias	1
Crowell	1
Curtis	1
Daggett	1
Dunlap	1
Ellis	1
Fairchild	1
Gallagher	1
Goodman	1
Gwinn	1
Haliday	1

Names.	Kibbe.
Halsted	1
Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
Johnson, of Sierra	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Lewis	1
Lovell	1
Makins	1
Malarin	1
Maxson	1
McDermit	1
O'Rear	1
Pate	1
Phelps	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shannon	1
Shattuck	1
Shelton	1
Smith, of Nevada	1
Smith, of Sutter	1
Starr	1
Stevenson	1
Stone	1
Swan	1
Theller	1
Walden	1
Watson	1
Welty	1
Wescott	1
White	1
Wilkins	1
Williams	1
Wilson	1

Names.	Kibbe.
Yager	1
Yancey	1
Mr. Speaker	1
Total	72

Mr. Kibbe was declared duly elected, and was sworn into office.

Mr. Lamar offered the following resolotion:

Resolved, That the Clerk be directed to inform the Senate that the Assembly has organized, by the election of the following officers:

Philip Moore,.....Speaker.
J. M. Anderson,.....Chief Clerk.
R. K. Weston,.....Assistant Clerk.
C. W. Tozer,.....Sergeant-at-Arms.
Wm. Newsom,.....Assistant Sergeant-at-Arms.
E. W. Casey,.....Engrossing Clerk.
H. C. Kibbe,.....Enrolling Clerk.

And that the Assembly is now ready to proceed with the business of the session.

Adopted.

The following resolution was offered by Mr. Gwinn:

Resolved, That a Select Committee of five be appointed by the Speaker, to prepare and report rules for the government of the Assembly, and that said committee be authorized to act with a similar committee, on the part of the Senate, on joint rules.

Adopted.

The Speaker appointed Messrs. Gwinn, Howe, Daggett, Laspeyre, and Lamar, such committee.

Mr. Goodman offered the following resolution:

Resolved, That this House proceed to the election of a Chaplain.

On motion of Mr. Stevenson, the resolution was laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, January 3d, 1860.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have completed their organization by electing the following named officers, to wit:

J. W. Quinn.....President, *pro tem.*
J. R. Beard.....Secretary.
D. J. Williams.....Assistant Secretary.

Cyril Hawkins.....Enrolling Clerk.
W. S. Letcher.....Engrossing Clerk.
W. H. Bell.....Sergeant-at-Arms.
J. McGlenchy.....Assistant Sergeant-at-Arms.
And are prepared to proceed with legislative business.

E. C. PALMER,
Secretary.

Mr. Lamar offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that a committee of three from each House be appointed to wait upon the Governor and inform him of the organization of the two Houses, and that they are ready to receive any communication he may be pleased to offer.

Adopted.
Mr. Beach offered the following resolution :

Resolved, That the Speaker be, and is hereby, authorized to appoint three Pages and three Porters for the Assembly.

Adopted.
Mr. Howe offered the following resolution :

Resolved, That the Speaker be requested to appoint a Committee on Mileage, with instructions to report forthwith.

Adopted.
The Speaker appointed Messrs. Sawyer, Hayes, Conn, Shannon, and Wescott.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Tuesday, January 3d, 1860.

MR. SPEAKER :—The Senate has, this day, adopted the following Concurrent Resolution :

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in Joint Convention on Wednesday, the fourth day of January, A. D., one thousand eight hundred and sixty, at twelve o'clock, M., for the purpose of opening and publishing the vote had for Governor and Lieutenant-Governor at the September election of one thousand eight hundred and fifty-nine, and ask the concurrence of the Assembly ;

Also, have adopted Senate Resolution, No. 2, Relative to appointing a committee to wait on the Governor and inform him of the organization of both Houses, and have appointed the following committee, Messrs. Redman, Bradley, and Anderson, and ask for a similar committee on part of the Assembly.

J. R. BEARD,
Secretary of Senate.

Senate Concurrent Resolution, No. 2, above reported, concurred in, and Messrs. Lamar, Ellis, and Rogers, of San Francisco, appointed the committee on the part of the House.

Senate Concurrent Resolution, No. 2, above reported, concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, January 3d, 1860.

MR. SPEAKER:—The Senate have, this day, passed Senate Bill, No. 1, An Act to appropriate money for postage and express purposes during the present session of the Legislature.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 1, above reported, read first and second times, considered in Committee of the Whole, amended, rules suspended, read third time, and passed.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Stephenson:

Resolved, That each member of this House be allowed five daily newspapers, or their equivalent in weeklies, during the session.

Adopted:
By Mr. Shannon:

Resolved, That the Sergeant-at-Arms be allowed to appoint a Post-Office Boy, at the same *per diem* as is allowed Pages, payable out of the Contingent Fund of the Assembly.

Mr. Welty offered the following substitute:

Resolved, That the House appoint Charles D. Cushing as Post-Office Clerk, during this session, at a *per diem* equal to that of a Page, payable out of the Contingent Fund.

Adopted.
By Mr. Johnson of Amador:

Resolved, That such documents and papers as may be printed for the use of the Assembly, be distributed *pro rata* among the members, under the direction of the Sergeant-at-Arms—two copies of each to be furnished to reporters and correspondents occupying desks in the Assembly Chamber.

Adopted.
By Mr. Shannon:

Resolved, That the Clerk is hereby required to copy the Governor's Message and accompanying State documents into the Appendix of the Journal, and that he be directed to place upon the Journal of this House the proceedings of each day, so that he may read from the Journal itself, each morning, before the commencement of the business of the day,

the proceedings of the previous day, and immediately upon the approval thereof by the House, the Speaker shall authenticate the same by his signature, attested by the Clerk.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 3d, 1860.

MR. SPEAKER:—The Senate has this day concurred in Asssembly amendment to Senate Bill, No. 1.

J. R. BEARD,
Secretary of Senate.

At one o'clock, P. M., on motion of Mr. Howe, the House took a recess for half an hour.

At half past one o'clock, P. M., the House re-assembled.

Mr. Lamar, from the committee appointed to wait on the Governor and inform him the Assembly was ready to proceed to business, verbally reported that they had performed that duty, and that the Governor would communicate to the Assembly to-morrw morning at eleven o'clock.

At thirty-five minutes past one, P. M., on motion of Mr. Sherman, the House adjourned until to-morrow at eleven o'clock, A. M.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January, 4, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

A quorum present.

The Journal of yesterday was read and approved.

Samuel J. Curtis, of Nevada, appeared, presented his credentials, and was qualified.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 3d, 1860.

To the Assembly of California:

I have to inform your Honorable Body that, in September last, a vacancy occurred in the United States Senate in consequence of the death of the Hon. D. C. Broderick, which was filled by the temporary appointment of the Hon. H. P. Haun. As it is the duty of the present Legislature to elect a Senator for the unexpired term, your early attention is called to this subject.

JOHN B. WELLER.

The following resolution was offered by Mr. Lamar:

Resolved, By the Assembly, the Senate concurring, that the two Houses meet in the Assembly Chamber in Joint Convention on Thursday next at twelve o'clock, M., for the purpose of electing a Senator of the United States to fill the vacancy occasioned by the death of the Hon. D. C. Broderick.

On the adoption of the resolution, Messrs. Shannon, Daggett, and Henry, demanded the ayes and noes.

Mr. Henry moved a call of the House.

Which was sustained.

Messrs. Coombs, Stevenson, Warner, and Welty, were absent.

On motion of Mr. Lamar, further proceedings under the call were dispensed with.

Mr. Rodgers, of Tuolumne, moved to strike out "Thursday," and insert "Tuesday."

Upon which, Messrs. Shannon, Daggett, and Henry, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Burson, Conn, Covarrubias, Curtis, Gwinn, Hayes, Howe, Johnson of Amador, Johnson of Sierra, Lambert, Patten, Phelps, Shattuck, Williams, and Yancey—15.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Groom, Haliday, Halsted, Hammond, Harville, Hawley, Henry, Heston, Hugg, Hundley, Jenkins, King, Kungle, Lamar, Laspeyre, Lawrence, Lewis, Lovell, Makins, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Tilton, Walden, Watson, Wescott, White, Wilkins, Wilson, Yager, and Mr. Speaker—63.

Mr. Ellis moved to make the resolution the special order for to-morrow, at twelve o'clock.

Lost.

Mr. Maxson moved the previous question.

Which was sustained.

On the adoption of the resolution, Messrs. Henry, Rodgers of Tuolumne, and Howe, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Daggett, Fairchild, Gallagher, Groom, Haliday, Halsted, Hammond, Harville, Hawley, Henry, Heston, Hundley, Jenkins, King, Kungle, Lamar, Laspeyre, Lawrence, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Tilton, Watson, Wescott, White, Wilkins, Wilson, Yager, and Mr. Speaker—51.

NOES—Messrs. Burson, Conn, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Goodman, Gwinn, Hayes, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Lambert, Lewis, Malarin, Pate, Patten, Phelps, Rodgers of Tuolumne, Shattuck, Walden, Williams, and Yancey—25.

Mr. Lamar moved to suspend the rules, to reconsider the vote just taken.

Lost.

Mr. Stevenson gave notice, that he would, on to-morrow, move a reconsideration of the vote just taken.

REPORT.

The following report was made by Mr. Sawyer:

Mr. Speaker:—The Committee on Mileage, having had the subject under consideration, report the following as the amount of mileage due each member:

Names.	Miles.	Amounts.
Babcock	240	$48 00
Bailey of Santa Clara	370	74 00
Bailey of Tuolumne	230	46 00
Beach	80	16 00
Bell	144	28 80
Bowman	120	24 00
Burson	790	159 60
Campbell	152	30 40
Conn	1,570	314 00
Conness	120	24 00
Coombs	230	46 00
Covarrubias	1,180	236 00
Crowell	132	26 40
Curtis	170	34 00
Daggett	1,550	310 00
Dunlap	90	18 00
Ellis	80	16 00
Fairchild	90	18 00
Gallagher	120	24 00
Goodman	60	12 00
Groom	1,700	340 00
Gwinn	60	12 00
Haliday	240	48 00
Halsted	536	107 20
Hammond	280	56 00
Harville	120	24 00
Hawley	220	44 00
Hayes	190	38 00
Henry	956	191 20
Heston	732	146 40
Howe	280	56 00
Hugg	200	40 00
Hundley	300	60 00
Jenkins	580	56 00
Johnson of Amador	110	22 00
Johnson of Sierra	240	$48 00
King	1.320	264 00

Names.	Miles.	Amounts.
Kungle	200	40 00
Lamar	510	102 00
Lambert	220	44 00
Laspeyre	180	36 00
Lawrence	636	127 20
Lewis	320	64 00
Lovell	80	16 00
Makins	140	28 00
Malarin	500	100 00
Maxson	300	60 00
McDermit	900	180 00
O'Connor	140	28 00
O'Rear	208	41 60
Pate	240	48 00
Patten	124	24 80
Phelps	240	48 00
Rogers of San Francisco	240	48 00
Rodgers of Tuolumne	230	46 00
Sawyer	240	48 00
Schmidt	240	48 00
Shannon	300	60 00
Shattuck	256	51 20
Shelton	152	30 40
Smith of Nevada	140	28 00
Smith of Sutter	170	34 00
Stevenson	350	70 00
Stone	60	12 00
Swan	260	52 00
Theller	240	48 00
Tilton	240	48 00
Walden	300	60 00
Warner	1,320	264 00
Watson	148	29 60
Wescott	100	20 00
White	400	80 00
Wilkins	340	68 00
Williams	370	74 00
Wilson	188	37 60
Yager	280	56 00
Yancey	238	47 60
Mr. Speaker	140	28 00
Totals	27,162	$5,444 00

SAWYER,
Chairman.

Adopted.

At five minutes before twelve o'clock, on motion of Mr. Howe, the House took a recess of five minutes.

TWELVE O'CLOCK, M.

House reassembled.

The Clerk was instructed to inform the Senate that the Assembly was ready to meet in Joint Convention to canvass the votes for Governor and Lieutenant-Governor.

IN JOINT CONVENTION.

The Convention was called to order by the President of the Senate.

Messrs. Phelps, of the Senate and Yancey, on the part of the House, were appointed Tellers.

The returns were opened by the Speaker, and announced as follows:

VOTE FOR GOVERNOR AND LIEUTENANT-GOVERNOR.

COUNTIES.	M. S. Latham.	John Curry...	L. Stanford....	J. G. Downey.	John Conness.	J. F. Kennedy.	Jose Rubio....	Scattering ....
Mariposa	1,462	212	8	1,474	138	57	...	...
Napa	810	905	14	786	913	3	...	...
Frezno	359	11	1	353	9	1	...	...
Alameda	1,066	664	299	1,045	689	290	...	...
Sonoma	1,981	1,148	64	1,966	1,156	52	...	...
Nevada	3,185	2,534	581	3,113	2,507	627	...	...
El Dorado	3,096	2,413	408	2,978	2,475	364	...	...
Plumas	882	649	193	868	659	198	...	...
Tuolumne	3,723	737	969	3,607	791	985	...	...
Marin	467	75	67	473	59	67	...	...
Sierra	2,814	1,666	295	2,784	1,570	338	...	...
Sacramento	3,526	2,678	228	3,201	2,977	199	...	...
Placer	2,326	1,117	896	2,216	1,055	937	...	...
Mendocino	730	85	11	727	79	4	...	...
Tehama	770	92	35	763	89	38	...	...
Colusa	541	166	15	528	162	14	...	...
Butte	1,915	1,666	354	1,789	1,649	389	...	...
Sutter	695	159	87	689	154	90	...	...
Santa Clara	1,407	367	626	1,331	142	915	...	...
San Diego	259	1	17	216	2	15	38	...
Stanislaus	389	106	13	385	109	10	...	...
San Francisco	4,747	2,943	3,027	4,322	2,742	3,585	...	4
Shasta	1,456	432	8	1,395	474	2	...	...
San Joaquin	1,806	878	209	1,781	887	212	...	...
Solano	1,172	827	88	1,218	749	104	...	...
Humboldt	397	372	83	383	288	77	...	...
Trinity	1,285	829	4	1,264	834	.....	...	...
Yolo	757	568	66	745	578	62	...	...
Totals	44,023	24,180	8,466	41,400	23,916	9,935	38	4

WHOLE NUMBER OF VOTES CAST FOR GOVERNOR AND LIEUT. COVERNOR.

Whole number of votes cast for Governor	76,669
Whole number of votes cast for Lieutenant-Governor	75,251

WHOLE NUMBER OF VOTES CAST FOR GOVERNOR.

The tellers having counted the votes for Governor, the President announced the whole number of votes cast for Governor, seventy-six thousand six hundred and sixty-nine.

For M. S. Latham	44,023
For John Curry	24,180
For Leland Stanford	8,466
Total	76,669

FOR LIEUTENANT-GOVERNOR.

The tellers having counted the votes for Lieutenant-Governor, the President announced the whole number of votes cast for Lieutenant-Governor, seventy-five thousand two hundred and fifty-one.

For John G. Downey	41,400
For John Conness	23,916
For James F. Kennedy	9,935
For José Rubio	38
Total	75,289

No returns were received from the counties of Amador, Contra Costa, Del Norte, Klamath, Los Angeles, Merced, Monterey, San Bernardino, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Siskiyou, Tulare, and Yuba.

Milton S. Latham having received the highest number of votes, was declared by the President, elected Governor of the State for the term of two years.

John G. Downey having received the highest number of votes, was declared by the President, elected Lieutenant-Governor of the State for the term of two years.

Joint Convention then adjourned.

IN ASSEMBLY.

Mr. Rogers of San Francisco presented a report of the proceedings of the Pacific Railroad Convention, and offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that a Joint Committee of three from each House be appointed to take into consideration,

and report upon all the papers connected with the report of the Pacific Railroad Convention.

Adopted.

Mr. Stevenson gave notice of a bill to repeal an act passed one thousand eight hundred and fifty-nine, to alter and define the boundary lines of Tehama County.

Mr. Shelton introduced a Concurrent Resolution, granting three months' leave of absence from the State, during the present year, of W. W. Porter, County Judge of Calaveras County.

Adopted.

Mr. Gwinn offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker, to wait on His Excellency, the Governor, for the purpose of ascertaining whether he has any further communication to make to this Assembly.

Mr. Lamar moved to lay the resolution on the table.

Upon which, Messrs. Groom, Howe, and Crowell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Burson, Coombs, Dunlap, Ellis, Fairchild, Haliday, Hammond, Harville, Heston, Hundley, Jenkins, King, Kungle, Lamar, Lewis, Lovell, Makins, Malarin, Maxson, McDermit, O'Connor, Pate, Rogers of San Francisco, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Swan, Tilton, Watson, Wescott, Wilkins, Yager, and Mr. Speaker—37.

NOES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Campbell, Conn, Conness, Covarrubias, Curtis, Gallagher, Goodman, Gwinn, Halsted, Hawley, Hayes, Henry, Howe, Hugg, Johnson of Amador, Lambert, Laspeyre, Lawrence, O'Rear, Patten, Phelps, Rodgers of Tuolumne, Shannon, Shattuck, Shelton, Starr, Stevenson, Stone, Theller, Walden, White, Williams, Wilson, and Yancey.—37

Mr. Ellis moved to indefinitely postpone the resolution.

Pending which, at half past two o'clock, P. M., on motion of Mr. Beach, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 5, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Quorum present.

Journal of yesterday read and approved.

The Speaker announced that he had made the following appointments:

PAGES.

Henry Berry, James Kenney, and A. F. Harlow.

PORTERS.

J. C. Duffy, S. Friedman, and J. Rider.

And also announced the following committee:

ON ELECTIONS.

Messrs. Smith of Nevada, Hawley, Bailey of Tuolumne, Johnson of Sierra, Maxson, Hundley, and King.

The following resolution was offered by Mr. Maxson:

Resolved, That Samuel Patch be, and is hereby, appointed the Paper-Folder of this House, to receive the same pay as the Pages, payable out of the Contingent Fund.

Mr. Lamar moved to reconsider the vote by which the House on yesterday adopted the Concurrent Resolutions, fixing the time for holding a Joint Convention to elect United States Senator.

Upon which Messrs. Howe, Crowell, and Hayes demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Bailey of Tuolumne, Bowman, Burson, Conn, Crowell, Curtis, Dunlap, Ellis, Groom, Gwinn, Hayes, Henry, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Pate, Phelps, Rodgers of Tuolumne, Smith of Sutter, Stone, Theller, Walden, Welty, White, Williams, Yancey, and Mr. Speaker—32.

NOES.—Messrs. Babcock, Bailey of Santa Clara, Beach, Bell, Campbell, Conness, Coombs, Covarrubias, Daggett, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Harville, Hawley, Heston, Jenkins, King, Kungle, Lamar, Lewis, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Smith of Nevada, Starr, Swan, Tilton, Watson, Wescott, Wilkins, Wilson, and Yager—44.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Sawyer.

Resolved, That the State Controller be authorized to correct any inaccuracies of distances and payment which have been made in the report of the Committee on Mileage.

Adopted.

By Mr. Goodman:

Resolved, That the Speaker be authorized to appoint one Watchman, whose duty shall be to guard this Chamber at all hours when this House is not in session, at the same per diem as Porters.

Lost.

By Mr. Bailey of Tuolumne:

Resolved, That the Secretary of State be instructed to immediately deliver to the Speaker of the Assembly the testimony and papers in the case of Gallagher *v.* Tilton, and the attorneys for either party shall be authorized to examine the same.

Adopted.

By Mr. Laspeyre:

Whereas, That at the close of every session of the Legislature a system or practice has existed of forcing through the Assembly resolutions allowing extra compensation to its officers and attachés, notwithstanding the pay of such officers and attachés having been fixed, by law or resolution, at the time of their appointments.

Be it, therefore

Resolved, That no extra compensation shall be allowed to any officers or attachés of the Assembly during the session, except where extra services are rendered by order of the Assembly.

Adopted.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Thursday, January 5th, 1860.

MR. SPEAKER:—The Senate on yesterday passed Senate Concurrent Resolution, No. 5, relating to the proceedings of the Pacific Railroad Convention, and have appointed a committee of three on the part of the Senate, consisting of Messrs. Titus, Peachy, and Kirkpatrick, to take into consideration the said report, and requests the appointment of a similar committee on the part of the Assembly;

Also, have passed Senate Concurrent Resolution, No. 4, Relative to instructing our Senators, and requesting our Representatives in Congress, to use their influence for the passage of An Act creating Boundaries for a new Territory in Western Utah, and ask the concurrence of the Assembly therein.

J. R. BEARD,
Secretary of the Senate.

Senate Resolutions, Nos. 4 and 5, above reported, concurred in.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, January 4th, 1860.

MR. SPEAKER:—The Senate have, this day, passed Concurrent Resolution, No. 4, Relative to appointing a committee to wait upon the Governor and Lieutenant-Governor elect, and ascertain what time they desire the ceremonies of Inauguration to be performed, and have appointed as a committee on the part of the Senate, Messrs. Lansing, Parker, and McDonald, and ask the concurrence of the Assembly, and the appointment of a similar committee.

J. R. BEARD,
Secretary of the Senate.

Senate Concurrent Resolution, No. 4, above reported, concurred in, and

Messrs. Ellis, Groom, and Malarin, appointed the committee on the part of the House.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, January 4th, 1860.

MR. SPEAKER:—The Senate, on yesterday, passed Senate Concurrent Resolution, No. 3, Relative to enrolling Senate Bill, No. 1, and ask the concurrence of the Assembly.

J. R. BEARD,
Secretary of the Senate.

Senate Resolution, No. 3, above reported, concurred in.

The following message was received from the Senate:

SENATE CHAMBER,
January 5th, 1860.

MR. SPEAKER:—The Senate have, this day, passed Concurrent Resolution, No. 7, Relative to appointing a Joint Committee of three from each House, to report Joint Rules for the government of both Houses, and have appointed on the part of the Senate, Messrs. Dickinson, Quinn, and Anderson, and ask that a similar committee be appointed on the part of the Assembly.

J. R. BEARD,
Secretary of Senate.

Senate Resolution, No. 7, above reported, concurred in, and Messrs. Lamar, Gwinn, and Laspeyre, appointed the committee on the part of the House.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Laspeyre, of An Act to repeal "An Act authorizing the construction of a Telegraph Line from the city of San Francisco to the city of Los Angeles," approved March, one thousand eight hundred and fifty-eight.

By Mr. Johnson of Amador, of An Act to establish and more definitely define the boundaries of Amador County.

By Mr. Bailey of Tuolumne, of An Act to provide for the construction of a Wagon Road from Sonora, in Tuolumne County, to the State Line, at a point near Mono Lake, in Utah Territory.

By Mr. Welty, of An Act to amend "An Act concerning Attorneys and Counselors-at-Law," passed February nineteenth, one thousand eight hundred and fifty;

Also, of An Act to amend an Act entitled "An Act defining the time of commencing Civil Actions," passed April twenty-second, one thousand eight hundred and fifty.

By Mr. Yancey, of An Act relative to the Office of Sheriff, of the County of Tuolumne.

By Mr. Dunlap, of An Act to regulate the Salaries of County Officers of El Dorado County.

By Mr. Heston, of An Act to declare the San Joaquin River a Navigable Stream from Stockton to the first Slough above Firebaugh's Ferry, and to appropriate a certain sum for that object.

By Mr. Starr, of An Act providing for Indigent persons to prosecute and defend actions, and for the appointment of Attorneys.

By Mr. Johnson of Amador, of An Act in relation to a Wagon Road through Amador County to Utah Territory.

By Mr. Lewis, of An Act granting the right of way for a Railroad from San Rafael to Petaluma.

By Mr. Stevenson, of An Act to abolish the office of Quartermaster-General.

By Mr. Rogers of San Francisco, of An Act to amend an Act entitled "An Act to regulate the settlement of estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

By Mr. Johnson of Amador, of An Act in relation to the conveyance of Mining Claims.

By Mr. McDermit, of An Act to regulate the Fees of Office for Siskiyou County.

By Mr. Crowell, of An Act to create a State Police.

Mr. Welty offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that the room situated between the Assembly and Senate rooms, be appropriated to the exclusive use of the Paper Folders and Porters of the Senate and Assembly.

Mr. Stevenson moved to lay the resolution on the table.

Lost.

At fifteen minutes past twelve o'clock, M., on motion of Mr. Burson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 6, 1860.

The House met pursuant to adjournment.

Speaker in the Chair.

A quorum present.

The Journal of yesterday read and approved.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Daggett :

Resolved, That an additional number of five copies of daily newspapers, or their equivalent in weeklies, be allowed to the members of this House.

Laid on the table.

By Mr. Kungle :

Resolved, That the Speaker be authorized to appoint a Watchman, whose duty it shall be to guard this Chamber, at all times when the House is not in session ; the compensation of said Watchman to be the same as that of Porters, employed by this body.

Laid on the table.
By Mr. Yancey:

Resolved, That the Speaker be authorized to appoint A. Louison a Fireman of the Assembly, to be paid at the rate of four dollars per day, out of the Contingent Fund of the Assembly.

Lost.
By Mr. Patten:

Resolved, That Thomas Carson be, and that he is hereby, appointed Watchman of the Assembly Chamber, and that the per diem be the same as allowed the Porters, payable out of the Contingent Fund of the Assembly.

Laid on the table.
By Mr. Daggett:

Resolved, That the Chief Clerk, Assistant Clerk, and Minute Clerk, of the last Session, be allowed one week's pay, each, at the rates fixed by law, for services rendered in the organization of the House, payable out of the Contingent Fund of the Assembly.

Adopted.
By Mr. Welty:

Resolved, That the members of this House from Siskiyou, Trinity, Humboldt. Klamath, and Del Norte, be allowed thrice the number of papers allowed to other members.

Laid on the table.
By Mr. Gwinn:

Resolved, That John Clark be appointed Watchman of the Assembly, at the per diem of a Porter, payable out of the Contingent Fund of the Assembly.

Indefinitely postponed.
By Mr. Smith of Sutter:

Resolved, By the Assembly, the Senate concurring, that C. E. Wilcoxson, County Clerk of Sutter County, have leave of absence from the State for the period of three months, from and after the date of the passage of this resolution.

Adopted.
Mr. Lamar offered a resolutian authorizing the Sergeant-at-Arms to employ a Clerk, which, on motion, was withdrawn.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, January 6th, 1860.

MR. SPEAKER:—The Senate have this day concurred in Assembly Con-

current Resolutions, No. 2, relative to granting leave of absence to W. W. Porter.

J. R. BEARD,
Secretary of Senate.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Starr, An Act to amend an act to repeal the act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

By Mr. Johnson, of Amador, An Act in relation to the foreclosure of Mechanic's Liens;

Also, An Act to pay Mary Harrison for services rendered by her at the State Insane Asylum.

By Mr. Gallagher, An Act providing for the condemnation of Improvements on Public Lands for agricultural purposes, in the mining districts of this State.

By Mr. Welty, An Act to amend an act entitled "An Act to regulate proceedings in criminal cases," passed May first, one thousand eight hundred and fifty-one;

Also, An Act to amend an act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, An Act to prohibit the sale of spirituous and adulterated Liquors, Wines, and Cider.

By Mr. Sawyer, An Act to amend an act entitled "An Act to amend an act entitled 'An Act to authorize the funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same,'" passed May first, one thousand eight hundred and fifty-one; approved April twentieth, one thousand eight hundred and fifty-eight.

By Mr. Howe, An Act to repeal an act entitled "An Act to establish a Standard of Weights and Measures."

By Mr. Theller, An Act to amend "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco."

By Mr. Wilkins, An Act to amend an act, approved February third, one thousand eight hundred and fifty-nine, entitled "An Act to amend 'An Act concerning Roads and highways in certain counties therein named,'" approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, An Act to amend an act, approved April twenty-sixth, one thousand eight hundred and fifty-eight, entitled "An Act amendatory of, and supplementary to, an act entitled 'An Act amendatory of, and supplementary to, an act to establish, support and regulate Common Schools, and to repeal former acts concerning the same,'" approved May third, one thousand eight hundred and fifty-five; passed March twenty-eighth, one thousand eight hundred and fifty-seven.

By Mr. Henry, An Act to provide for the erection of a Wharf at the port of San Luis Obispo in San Luis Obispo County;

Also, An Act concerning the Records of San Luis Obispo County;

Also, An act amendatory of "An Act concerning Roads and Highways

in certain counties;" approved April twenty-second, one thousand eight hundred and fifty-eight.

By Mr. McDermit, An Act to change the present Road Law of Siskiyou County.

By Mr. Bailey of Tuolumne, An Act to define and regulate the relations between Landlord and Tenant.

By Mr. Lamar, An Act to authorize the Tax Collector of Mendocino County to collect certain delinquent taxes.

By Mr. Phelps, An Act to construct a Macadamized or Plank Road from Larkin Street to Point Lobos, in the City of San Francisco.

By Mr. Patten, An Act for the better observance of the first day of the week, known as the Christian Sabbath.

By Mr. Hundley, An Act to repeal an act entitled "An Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon for State and County purposes;" approved April sixteenth, one thousand eight hundred and fifty-nine, so far as the same relates to the county of Plumas.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Welty, An Act to amend an act entitled "An Act defining the time of commencing Civil Actions;" passed April twenty-second, one thousand eight hundred and fifty;

Also, An Act to amend an act entitled "An Act concerning Attorneys and Counselors-at-Law;" passed February nineteenth, one thousand eight hundred and fifty-nine.

Which were read first and second times and referred to the Judiciary Committee.

By Mr. Henry, An Act concerning the County Records of the County of San Luis Obispo.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Starr, An Act granting permission to poor persons to prosecute and defend actions in the Courts of this State, and for the appointment of Attorneys.

Read first and second times and referred to the Judiciary Committee.

By Mr. Yancey, An Act relative to the Under Sheriff and Jail-Keeper of the County of Tuolumne.

Read first and second times and referred to the Tuolumne Delegation.

By Mr. Sawyer, An Act to appropriate money to furnish the Governor's Office.

Read first and second times, rules suspended, considered in Committee of the Whole, read third time, and lost.

Mr. Lamar gave notice of reconsideration.

By Mr. Henry, An Act to provide for the erection of a Wharf at the port of San Luis Obispo, and granting privilege for the same.

Read first and second times and referred to Committe on Commerce and Navigation.

Also, An Act to amend an act entitled "An Act concerning Roads and Highways in certain counties therein named;" approved April twenty-second, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Stevenson, An Act to repeal "An Act to alter and define the Boundary Lines of Tehama County."

Read first and second times, and referred to the Committee on Counties and County Boundaries.

At one o'clock, P. M., on motion of Mr. Lamar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 7, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

A quorum present.

The Journal of yesterday was read and approved.

Mr. Welty presented a petition of citizens of Sacramento County, in reference to attachment law.

Referred to Judiciary Committee.

Mr. Kungle offered Assembly Concurrent Resolution, in relation to the votes cast at the general election of one thousand eight hundred and fifty-nine, calling a Convention to revise the Constitution.

The resolution was adopted.

Mr. Gwinn presented a memorial of the Senate and Assembly of California to the Congress of the United States, in relation to swamp and overflowed lands.

Adopted.

In accordance with previous notice of Mr. Lamar, the House reconsidered the vote by which it refused, on yesterday, to pass Assembly Bill, No. 6, An Act to appropriate money to furnish the Governor's Office.

The bill was then taken up, read a third time, and passed.

Mr. McDermit offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that John Dudley, County Clerk of Siskiyou County, have leave of obsence from this State for the period of four months, from and after the passage of this resolution.

Adopted.

Mr. Ellis, from the committee to wait on the Governor, made the following report:

MR. SPEAKER:—The Joint Committee heretofore appointed to wait upon the Governor and Lieutenant-Governor elect, and ascertain at what time they desire the ceremonies of Inauguration to take place, respectfully report, that they have performed their duties, and that Monday, the ninth day of January, A. D., one thousand eight hundred and sixty, at twelve, M., was designated by them for their Inauguration.

C. T. LANSING,
J. McDONALD,
S. H. PARKER,
Senate Committee.

R. B. ELLIS,
R. W. GROOM,
M. MALARIN,
Assembly Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 7th, 1860.

To the Assembly of the State of California:

I have to inform your Honorable Body, that on Monday next, at eleven o'clock, A. M., my annual message will be transmitted to you.

JOHN B. WELLER.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, January 6th, 1860.

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 2, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said district.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 2, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Welty offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that a committee of three from each House be appointed, to make suitable preparations and regulations for the ceremonies of inauguration of the Governor and Lieutenant Governor elect.

The resolution was adopted, and Messrs. Welty, Heston, and Gallagher, appointed committee on the part of the House.

NOTICES OF BILLS.

Notice of the introduction of bills was given:

By Mr. Gwinn, of An Act to provide by law for the taking of the Census in the State of California.

By Mr. White, of An Act to amend "An Act to provide for the Protection of Foreigners." passed March thirtieth, one thousand, eight hundred and fifty three.

By Mr. Pate, of An Act to amend An Act entitled "An Act to amend An Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, approved April fifteenth, one thousand eight hundred and fifty-eight.

By Mr. Shattuck, of An Act to change the present Road Law of Alameda County.

By Mr. Welty, of An Act to extend the time for Collecting the Revenue of the City and County of Sacramento, for the year one thousand, eight hundred and fifty-nine.

By Mr. Ellis, of An Act to regulate Fees of Witnesses in criminal cases.

By Mr. Yager, of An Act in relation to the Ferry plying between the city of Benicia and the town of Martinez.

INTRODUCTION OF BILLS.

Bills were introduced—

By Mr. Welty, An Act to amend An Act entitled "An Act to regulate Proceedings in Civil Cases.

Read first and second time, and referred to Judiciary Committee.

By Mr. Rogers of San Francisco, An Act to amend "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

Read first and second time, and referred to the Judiciary Committee.

By Mr. Welty, An Act to extend the time for the Sheriff of Sacramento City and County to collect the Delinquent Taxes, for the year one thousand eight hundred and fifty-nine.

Read first and second time, rules suspended, read third time, and passed.

UNFINISHED BUSINESS.

The resolution offered by Mr. Gwinn, that a committee be appointed to wait upon the Governor, to ascertain whether he had any further communications to make to the Assembly, was taken up and laid on the table.

At twelve o'clock, M., on motion of Mr. Maxson, the House adjourned to Monday, January ninth, one thousand eight hundred and sixty, at eleven o'clock, A. M.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 9, 1860.

The House met pursuant to adjournment.

The Speakr in the Chair.

A quorum present.

The Journal of Saturday was read and approved.

Leave of absence was granted to Messrs. Phelps and Tilton, for one day, each.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Bailey of Tuolumne:

Concurrent Resolution, granting four months' leave of absence to Hon. C. M. Creaner from the State.

Adopted.

By Mr. Wilkins:

Concurrent Resolutions, relative to the oath of office of Governor and Lieutenant-Governor elect.

Adopted.

Also, Concurrent Resolution, relative to granting four months' leave of absence to Hon. E. W. M'Kinstry from the State.

Adopted.

The following report was made by Mr. Welty:

To the Honorable, the Assembly:

Your committee, acting with a like committee on behalf of the Senate, appointed to make suitable arrangements for the inauguration of the Governor and Lieutenant-Governor elect, would report:

That they have selected Agricultural Hall, corner of M and Sixth streets, as the place for the performance of the inaugural ceremonies, the use of the same having been tendered by the Honorable Trustees and members of the Board of Supervisors, of the city and county of Sacramento, and have fixed the hour of twelve o'clock, M., of this day, as the time. They have secured the services of Capt. E. E. Eyre, as Marshal of the day, who will have under his command a military escort, and have

arranged so as to have His Excellency, the Governor, and the Governor and Lieutenant-Governor elect, escorted to the Capitol, and from thence, together with the officers of State, members of Senate and Assembly, to said Hall, where, in the presence of both Houses of the Legislature, the ceremonies of inauguration are to be performed; after which, back to the Capitol.

D. W. WELTY,
P. A. GALLAGHER,
F. M. HESTON.

The Speaker announced the appointment of the following committees:

ON JUDICIARY.

Messrs. Williams, Wilkins, Rodgers of Tuolumne, Pate, Hundley, Sawyer, Burson, Johnson of Sierra, Swan, Lawrence, and Starr.

ON WAYS AND MEANS.

Messrs. Lamar, Laspeyre, Wilkins, Shelton, Daggett, Shannon, Welty, Yancey, and Gwinn.

ON ENGROSSMENT.

Messrs. Beach, White, Dunlap, Halstead, and O'Rear.

ON ENROLLMENT.

Messrs. Daggett, Theller, and Hugg.

Mr. Shelton offered the following resolution:

Resolved, That Michael Martin, in charge of the furnaces in the basement story of the State-House, be retained in that position, and that he be allowed four dollars per day for his services.

On motion of Mr. Henry, the resolution was amended, and made a concurrent resolution, and as amended was adopted.

NOTICES OF BILLS.

Notice of the introduction of bills was given, as follows:

By Mr. Starr, of An Act to repeal an Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, approved April fifteenth, one thousand eight hundred and fifty-eight; and to re-enact the several sections which that act amended.

By Mr. Jenkins, of An Act to amend An Act entitled "An Act to create the county of Merced, to define its boundaries, and to provide for its organization," approved April nineteenth, one thousand eight hundred and fifty-five.

By Mr. Maxson, of An Act to amend "An Act concerning Roads and Highways in San Mateo County," passed April thirteenth, one thousand eight hundred and fifty-nine.

By Mr. Johnson of Amador, of An Act amendatory of "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

By Mr. Wescott, of An Act to amend an Act entitled "An Act to provide for the Support of the Indigent Sick in Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six.

By Mr. Starr, of An Act to regulate proceedings in Cases of Bastardy, and providing for the Support of Illegitimate Children.

By Mr. Williams, of An Act in relation to the Court of Sessions and County Court of Santa Clara County;

Also, of An Act to amend "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

Also, of An Act to amend the Act, of April twenty-first, one thousand eight hundred and fifty-one, to "Exempt the Homestead and other Property from forced sale in certain cases."

Also, of An Act concerning Roads and Highways in the County of Santa Clara.

Mr. Rogers of San Francisco, of An Act amendatory of, and supplementary to, "An act defining the right of Husband and Wife."

Mr. Welty introduced a bill for An Act to amend An Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to amend an act which became a law on the twenty-ninth day of March, one thousand eight hundred and fifty-eight, amendatory thereto; also, an act approved April fifteenth, one thousand eight hundred and fifty-eight, amendatory thereto, and other acts amendatory thereto.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, January, 1860.

Gentlemen of the Senate and Assembly:

It affords me pleasure to have an opportunity of again addressing those who have been intrusted by the People with the Legislative Department of the Government.

The Governor has, from time to time, recommended to your predecessors measures calculated to reform abuses and diminish expenditures, but they have generally failed to receive either their sanction or attention. Indeed, upon reviewing my Annual Message of last year, it is found that only a few of the recommendations of this character received any consideration whatever. It was, no doubt, supposed by those who formed a Constitution, which requires the Executive "to communicate, by message, to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient," that, from his position, where he could overlook all the operations of the government, he would be able to point out the evils which retarded our progress, and suggest appropriate remedies. The Legislature seem to have acted upon a different principle, or it may be that that department had very little respect for the opinions of the present Executive. They, no doubt, however, discharged what they conceived to be their duty, and as both departments of the government derive power directly from the people, so each, acting independently, and within its appropriate sphere, must be held responsible to the tribunal of public opinion.

FINANCES.

Although the expenses of our State Government, during the past year, have been much more than they ought to have been, nevertheless, it affords me pleasure to inform you that the Treasury is in a prosperous condition.

The amount of money received in the Treasury from Jan. 1st, 1859, to Dec. 15th, 1859	$1,170,835 03
The expenditures during that period	916,182 22
Exhibiting an excess of receipts over expenditures of..	$254,652 81

The interest upon our Public Debt was promptly paid, during the past year, amounting, in the aggregate, to two hundred and ninety-six thousand one hundred and eighteen dollars and fifteen cents.

During that period the Treasurer of State, under the law of 1857, purchased outstanding bonds to the amount of fifteen thousand dollars. The Board of Examiners, in the meanwhile, under the Act of 1858, purchased thirty thousand dollars of said bonds, which have been properly indorsed, and placed to the credit of the Seminary Fund. This reduces the actual amount of outstanding bonds to three millions eight hundrod and fifty-five thousand dollars.

The old issue, for the payment of which no provision has yet been made, amounts, with the interest thereon to the fifteenth of last month, to one hundred and seventeen thousand six hundred and ninety dollars and thirty cents. In addition to this, there are Controller's Warrants which have never been paid nor bonded, amounting to five thousand one hundred and two dollars and twenty-five cents, which, together with claims audited by the Legislatures of 1857–8–9, (fifteen thousand eight hundred and fifty dollars and fifty-one cents,) and the certificates of balances, (twenty-five thousand one hundred and forty dollars and fifty-eight cents,) make, in the aggregate, one hundred and sixty-three thousand seven hundred and eighty-four dollars and twenty-six cents. This will make the whole amount of our indebtedness, both legal and equitable, four million eighteen thousand seven hundred and eighty-four dollars and twenty-six cents. This is exclusive of the Indian War Debt, which amounts, in the aggregate, to two hundred and sixty-four thousand four hundred and thirty-five dollars, for which bonds have been issued. This, together with fifty-two thousand five hundred and twenty-seven dollars and eighty-six cents paid out of the Treasury last year for the suppression of Indian hostilities in the North, constitutes a just and equitable demand against the Federal Government. Prompt provision ought to be made for the payment of these just demands against the State. Whether this can be done without first submitting the question to the people is left for you to determine.

The whole amount received into the Treasury, from the fifteenth of December, 1858, to the fifteenth of December, 1859, was one million one hundred and ninety-five thousand four hundred and forty dollars and seventy-three cents. The amount expended during that period was one million one hundred and sixty thousand nine hundred and twenty-nine dollars and fourteen cents, leaving an excess of receipts over expenditures of thirty-four thousand five hundred and eleven dollars and fifty-nine cents. On the first day of January, immediately preceding my entering upon the duties of this office, there were three hundred and fifty-one thousand two hundred and twenty-two dollars and seventy-one cents in the Treasury. The amount now in the Treasury is six hundred and sixty-two thousand eight hundred and seventy-six dollars and eighty-nine cents, notwithstanding the semi-annual interest has just been paid. This

shows that there is on hand three hundred and eleven thousand six hundred and fifty-four dollars and eighteen cents more than at the commencement of my administration.

An examination of the Treasurer's report will show, that while the expenditures have been very large, that a sum of nearly one hundred thousand dollars, incurred in suppressing Indian hostilities, and for other purposes, is not chargeable to the ordinary expenses of the government. Still, that economy which ought to have controlled the action of public officers, intrusted with the people's money, has not been practiced.

The expenditure, in the Legislative and Judiciary departments, can be easily reduced without injury to the public service. It has been the practice heretofore to employ a much larger number of persons in the Legislature, than are necessary to transact the public business. Besides, there is a great deal more printing ordered by the Legislature than the public interest, in my judgment, demands. The compensation of State Printer should be reduced. The Legislature of 1858, directed certain laws to be translated into the Spanish language, and published. This book, comprising two hundred and sixteen pages, cost the State a fraction over *twenty-nine dollars* per volume. As the Constitution of the State requires the laws to be published in the Spanish language, this should be done, but in my opinion at a much less expense to the people.

The counties of Alameda, El Dorado, Humboldt, Los Angeles, Marin, Merced, Monterey, Nevada, Placer, Sacramento, San Diego, Santa Clara, Santa Cruz, Shasta, Solano, Stanislaus, Tulare, Yolo, Yuba, Colusa, Klamath and San Bernardino, (nearly one-half the counties of the State) failed to report assessment rolls to the Controller, for the last year. The three last named counties *never did report.* Surely, there must be some radical defects in a system which produces such results.

The Revenue Act declares that County Auditors, "shall make out and cause to be transmitted by mail, or otherwise, to the Controller of State, on or before the first day of November of each year, a complete abstract of the property listed in his county, the valuation thereof, the number of polls, the amount of each kind of tax and the aggregate thereof, in the county; as also the rate of each kind of tax assessed." This provision of the act, has not been complied with, and in the absence of the assessment rolls, it is utterly impossible for the Legislature to fix upon the proper rate of taxation. It is disregarded probably because there is no penalty imposed for doing so. The remedy for this evil, recommended to your predecessors, was to withhold all compensation from the Auditors until they produced a receipt from the Controller of State, for the assessment roll. Had an act of this character been passed, it is not likely that these officers would have neglected this duty. It is not doubted, that if the returns had been made from all the counties, (judging by the increase in some, reported) that the taxable property of the State, would have amounted to at least one hundred and forty millions. The increase in San Francisco alone, over the preceding year, is shown to be three millions of dollars, and in Sonoma nearly a million. Take, then, the assessment roll at one hundred and forty millions, and this would have yielded a revenue, at the present rate of taxation, (sixty cents on the hundred dollars) of eight hundred and forty thousand dollars, being sixty-three thousand six hundred and eighty-seven dollars more than that reported by the Controller. This revenue alone ought to be sufficient to pay the interest upon the public debt, and defray all the necessary expenses of the government, if properly administered. Anticipating that such will be the result, I recommend a general reduction in

all the rates of taxation. The taxes upon property may be safely reduced to forty-five cents on the hundred dollars. There are few communities, perhaps, where the burdens of taxation, owing to the inequalities of our revenue system, bear so oppressively on the landholder and those engaged in certain industrial pursuits as in this.

At the last session, acting upon the report of the Controller, a general revision of the revenue laws was recommended. The experience of the past year, has satisfied me that this will be impolitic, and that a few amendments will answer all purposes. As these laws are now pretty well understood by those charged with their execution, it is better not to make any radical changes. Much difficulty is experienced from the fact that the law does not define with sufficient clearness the duties of the officers in the collection of the revenue. Laws of this character have to be executed sometimes by gentlemen of limited education, and therefore the greater precision should be observed in defining their duties. It will be found upon examination that some of these acts are very vague, indefinite, and difficult to comprehend. Others again are in direct conflict with former acts. Take for instance the "Act concerning County Assessors," passed March 27th 1850, which fixes his term of office at one year, and "the Act concerning officers," subsequently passed, says, that this officer shall be elected at the general election in 1851, and every *two years* thereafter. One of them should certainly be repealed.

I must again call the attention of the Legislature to the manner in which the poll-taxes are collected. While there are at least one hundred and fifty thousand persons subject to this tax, only forty thousand, taking the report of the Controller as the basis, have paid. If this law had been enforced, and collections promptly made, this tax alone would have yielded sufficient revenue into the treasury, to pay the interest on our public debt. In some counties very little attention appears to have been paid to this law. The whole taxes from this source, collected this year, amount to twenty-four thousand five hundred and seventy-two dollars and seven cents more than the preceding year. The county of San-Francisco, with a voting population of some six thousand more than Siskiyou, pays two thousand nine hundred and eleven dollars less poll-taxes. Seven counties (Butte, El Dorado, Nevada, Placer, Sacramento, Siskiyou, and Tuolumne) pay more than one-half the revenue derived from this source.

In view of this state of facts, I recommend that the collection of the tax be imposed upon the Collector instead of the Assessor, which, in my judgment, will materially increase the income.

In this connection I deem it proper to call your attention to the necessity of reducing the expenses of collecting the revenue. In some counties, it will be seen by reference to the report of the Controller, that we pay as high as forty per cent. for collections. The expense of living has diminished very much since the act fixing the compensation of revenue officers was passed, while the facilities for traveling have been vastly increased, and therefore a reduction ought to be made in the rates allowed.

Notwithstanding the reductions which I have recommended in the rates of taxation generally, if they should be adopted, it is still believed that if the government is wisely and economically administered, there will be a surplus over expenditures. It is bad policy to pay interest upon bonds, when we have money lying idle in the treasury. Steps ought to be taken at the earliest moment to extinguish our debt.

Your predecessors were informed that a suit was pending in the Supreme Court of the United States, in which the constitutionality of an

act in regard to the tax to be levied and collected upon foreign and inland bills. In the crowded condition of business before that tribunal, it is feared that the case cannot be reached in a year, as the Court refused the application of our counsel (Messrs. Benjamin and Howard) to take it up out of its regular order.

MISCELLANEOUS.

REPORTS.

The annual reports of the Treasurer of State, the Controller, the Secretary of State, the Attorney-General, the Surveyor-General, the Registrar, the Commissioners of Reform Schools, the Directors of Insane Asylum, the Trustees of the Orphan Asylum of San Francisco, and also a statement of the financial condition of the State Agricultural Society, are herewith transmitted.

The act of April 18th, 1858, donating money to certain Asylums, requires the Trustees or Directors, to report to the Governor on or before the 20th of December, a detailed statement of the expenditures of the respective appropriations, with the number of orphans who have been inmates of the Asylum, etc. Only one of these institutions has complied with this law. Nothing has been heard from the Roman Catholic Orphan Asylum of San Francisco, or Los Angeles, although from the high character and standing of those who control them, it is not doubted that the appropriations have been judiciously and usefully expended, still they ought to have complied with the law. When the public money is taken for charitable purposes the people have a right to know the manner in which it has been expended.

GEOLOGY.

The attention of the Legislature is again called to the propriety of a geological survey of the State. The principal object should be to ascertain and make known, at home and abroad, the immense wealth of our State in minerals, and in agricultural resources, with a view to their full development; to examine the soils critically, with a view to their improvement and increased production. These objects are eminently practical, and at a comparatively small expense this information can be obtained. The publication of such a report, showing as it no doubt would, the productiveness of our soils, and the inexhaustible mineral wealth of the State, would advance our credit, give confidence in our ability to pay our debt, and to furnish employment to an almost unlimited number of laborers, and our population would rapidly increase.

Many of our sister States have profited much by their surveys, and California would be more benefitted than any of them have been. While therefore, such a survey would not only advance the cause of science, but materially contribute to the substantial wealth of the State, and render regions now considered sterile, rich and prosperous.

As a matter of course, the survey should be made by one thoroughly acquainted with the sciences of geology and mineralogy.

DIVORCES.

The marriage relation, which in all civilized communities is regarded as one of the most sacred character, by the operation of our divorce laws,

loses all its sanctity. The facilities with which divorces are granted in our State, has done much to demoralize the community, and seriously impair that moral sentiment which must exist in every well regulated society. The true policy is to discourage the dissolution of the marriage tie, and throw around these applications, restrictions which would prevent their being granted except in extreme cases.

The act of April 24th, 1857, which authorizes trials to be had privately, ought to be repealed, and a special provision made as to the notice to be given to non-residents.

PRIMARY ELECTIONS.

The attention of the Legislature has again and again been called to the necessity of extending the general laws over what are usually called "primary elections."

In a State where political parties are organized, and one has a decisive majority, in point of fact, our officers are elected at these "primary meetings." That all sorts of frauds are perpetrated at them, no one doubts. By double voting and false returns, the active and unscrupulous minority select candidates for the people. It sometimes happens that they do not truly represent a majority of the party. At the regular election, under the law as it now exists, it is probable that very few frauds are perpetrated. Indeed, many of our sister States would suffer by a comparison with us. It is, in my judgment, as important that the ballot-box should not be defiled in the primary as in the general election.

It is true that only one political organization participates in the first, nevertheless it should be conducted fairly and honestly. The ballot-box ought truly reflect the wishes of the majority in all cases, and all care should be taken to secure it.

In the few instances where prosecutions have taken place under the election law, the offenders have been those who, by fraudulent means, sought to control the primary elections.

LAWS.

Various amendments to existing laws were recommended to your immediate predecessors, some of which were adopted, while others failed to receive any consideration. You are respectfully referred to that portion of my Annual Message for my present views. A law should be passed protecting religious meetings when convened for worship, as they have been sometimes disturbed by disorderly persons.

We ought to have a law requiring the Board of Supervisors of the respective counties to cause guide-boards to be put up at points where roads cross or diverge. Those who have traversed the State, and been subjected to inconvenience and delay, can properly appreciate the necessity of this.

I took occasion, in my last Annual Message, to recommend a division of the State into districts, for the purpose of electing Representatives in Congress. Not because the laws of the United States require it, but for the reason, that it is not only the best plan, but all of our sister States elect in this manner.

As the census is about to be taken by the Federal Government, and it is hoped that our representation in Congress will be increased to at least five, the duty of districting the State will properly devolve upon the next Legislature. When California is fully represented in that body, we trust that those measures which are so essential to her welfare will be adopted.

HOSPITAL FUND.

We have had a great deal of legislation upon this subject, under which great abuses have been practised, and the Legislature finally passed the law of 1855, which is now in force. Section second reads: "The Hospital Fund, together with all moneys collected for the benefit of said fund, shall be set apart by the State Treasurer for the purpose expressed and directed in the first section of this act, and after the first day of April, 1855, shall be divided and apportioned among the counties of this State, in proportion to the population as ascertained by the census of 1855; *provided*, that until the official returns of the next census shall be made, the *pro rata* distribution shall be made upon the highest aggregate vote of the different counties as returned to the Secretary of State's office at the last general election; and said fund shall be paid over by the Treasurer of the State, on the warrants of the State Controller, who shall issue such warrants upon receiving the order of the Board of Supervisors to the County Treasurer of each county. The Board of Supervisors of each county shall use the same for the support and care of the indigent sick in their counties, and for no other purpose, and shall render a semi-annual account of the use made thereof to the Controller of State, to be presented by him in a condensed form in his Annual Report. The amount appropriated after the first apportionment, shall be due to the counties on the first Mondays of March, June, September, and December, of each year."

This is a very unfair and unequal distribution of the fund. Some three or four cities contribute nearly all that goes into the fund, while because of their location with reference to the northern and southern mines, an undue proportion of the indigent sick are thrown upon them. The basis of distribution is in itself unjust. Again, the law ought to define what residence should be necessary to enable a party to avail himself of the benefit of the fund, and the county of his last legal residence should be charged with his support.

The time I think has arrived when poor-houses should be established in some of the counties, and as an institution of this character might not be desirable at present in all, it is recommended that authority be given to take a vote of the people at the next election upon the question of authorizing the Board of Supervisors to levy a special tax for the purpose.

As we have a very large number of cases of mere dementia regularly sent, for want of any other place, to the Insane Asylum, the establishment of such houses would relieve this institution from the care of a class which does not properly belong to it.

As there is more money now paid into the Library Fund than can be usefully expended, it is recommended that one-half of the fees received upon commissions and other sources be paid hereafter into the Hospital Fund.

WINES AND BRANDIES.

The manufacture of these articles has become a very important interest in our State, and the whole power of the Legislature should be used to prevent their adulteration. It is well known that a considerable number of persons are engaged in adulterating liquors to the great injury of those engaged in the culture of the grape. The grape-grower in attempting to gain a reputation abroad for his wines, is constantly injured by spurious articles manufactured at San Francisco and elsewhere. In-

deed, a goodly portion of the so-called wine consumed, within our own limits, never came from a vineyard or a wine-press.

It is well established that drugs highly prejudicial to health, and oftentimes dangerous to life, are used in adulterating liquors in common use, and it is not doubted hundreds have fallen victims to this practice. This evil exists to an alarming extent, particularly in our large cities, and therefore your attention is respectfully directed to it.

If an inspector of liquors was appointed in San Francisco and some of the larger cities, with authority to analyze at pleasure liquors offered or kept for sale, the evil to some extent could be corrected. The inspector of course should be a good chemist, and fully competent to detect any deleterious drugs in the liquids. Upon his report, under oath, to the Treasurer, let the vendor forfeit his license.

WASHINGTON MONUMENT.

On the 10th March, last, the Legislature made an appropriation of one thousand dollars to the Washington Monument Association, to be applied to the erection of that shaft which is to commemorate the memory of Washington. Through the liberality of that enterprising express company, Wells, Fargo & Company, the amount was remitted to the Association in Washington, without expense to the State. The Secretary in acknowledging the receipt thereof, says: "The Society has instructed me to communicate through your kind intervention, to the Legislature, the assurance of the gratification which this proof of interest and cooperation on the part of your noble and patriotic State has given to every member of the Board, and to request you to accept its thanks for your zeal and good-will in suggesting and securing this State tribute to the memory of Washington.

The Society is now occupied in making an appeal to the liberality and patriotism of the Legislatures of the several States, with the hope that the example of your State may be a stimulant and precedent for prompt imitation."

REGISTRATION LAW.

It will be seen upon reference to the report of this officer, that very little attention has been paid to the act providing for the registration of births, deaths, etc. After the modification made in the law, by the last Legislature, it was supposed that very reliable statistics would be obtained. There is perhaps no State in the Union where a law of this character would be more advantageous than in California. There are thousands coming into our State, annually, who have neither friends nor acquaintances here, a number of whom die from natural causes, and others are killed in the mines, and whose relatives never hear of them again. Men die in remote parts of the State, leaving valuable property, which, for the want of information, never reaches the hands of those to whom it belongs.

Accidents are constantly happening in the mines; men are killed and their relatives never learn their sad fate. In addition to this, a bureau of general statistics has been found, in other and older communities, of inestimable value. It has been well said by an eminent writer, that "statistics are to politics and to the art of governing, what anatomy is to physiology in the study of the human body; the observation of the stars to astronomy; the study of the species of animals, plants, and minerals to the natural history of the globe; the analysis of the body to

chemistry; experimental physics to natural physics. The statesman who pretends to govern without knowing the important facts which interest society, makes a more fruitless attempt than the philosopher who should propose to make a general classification of the beings which compose the three kingdoms of nature without knowing the essential characteristics of them."

The Registrar advocates a repeal of the law, on the ground that public sentiment is so manifestly against it, that it cannot be enforced. If such be the case, the law, of course, should be repealed, as it is useless to have the statute book encumbered with enactments which cannot be executed. But I am inclined to the opinion that the reason why it has not been observed, is because of the general impression in some quarters, that the office was created solely to benefit the individual who might happen to hold it. Besides, it was believed that the office would be very lucrative, and therefore private, rather than public, consideration had secured its passage. This can be obviated to a great extent by abolishing the office of Registrar, and transferring the duties to the Secretary of State, authorizing him to appoint a Registrar Clerk.

BOUNDARY LINE.

In a former Message, the attention of the Legislature was called to the necessity of having the eastern boundary line of the State run and properly established. In accordance with this suggestion, the Legislature by the act of eighteenth of April, 1859, authorized the Governor to appoint a suitable person, who, in conjunction with such person as might be appointed by the Federal Government, should survey said line.

A copy of this act was transmitted to the President, but Congress having adjourned before its receipt by him, no appropriation for this purpose was made. Recent discoveries of silver ore in close proximity to the supposed line, has thrown a large number of people into that section, and it is of the utmost importance that the boundary should be speedily ascertained. If it is not, difficulties must constantly arise in the execution of criminal and revenue laws.

CONSTITUTIONAL CONVENTION.

My predecessors in this office have all recommended a revision of the Constitution. The subject has at various times received the consideration of the Legislature. On two occasions it was submitted to a vote of the people, and although on each a decided majority of those voting upon the question was found in favor of a Convention, still it failed. At the first election, (in 1857) thirty thousand two hundred and twenty-six votes were cast for a Convention, and seventeen thousand six hundred and eighty against it. The whole number of votes cast for State officers was ninety-three thousand eight hundred and eighty-one—thus showing that nearly forty-six thousand of the voters neglected or refused to vote. At the last election, one hundred and two thousand seven hundred and sixty votes were given for Governor, and forty-five thousand eight hundred and twenty-nine in favor, and ten thousand one hundred and sixty against a Convention, showing that forty-six thousand seven hundred and seventy-one did not vote either way. The Legislature of 1858 very properly, as I think, decided that the clause in the Constitution which provides for the revision of that instrument requires that a majority of the voters who participate in that general election must vote for a Convention, before one can be regularly called. It is said, however, that in

the recent election, in some of the counties, votes were rejected which ought to have been counted, and it is hoped that a full investigation may be made. In the event that it is found to have failed, I recommend that the question be again submitted.

To reform the abuses which exist in this State, to reduce expenditures, to place our revenue system upon an equitable and permanent basis, to organize our Courts in such way as to command the full confidence of the people, a Convention is indispensable. The indifference manifested by a large number of voters upon a question of this magnitude, illustrates the fact stated elsewhere, that we unfortunately have a considerable class here who feel no interest whatever in the future welfare of our State. Although I came into office opposed to a Convention, the experience of the past two years has satisfied me that the Constitution must be amended in several particulars before the State can prosper.

STATE CAPITOL.

If it is intended that Sacramento shall remain the seat of government, the time has arrived when we should have a Capitol. It is believed that one hundred thousand dollars will put up a wing sufficiently commodious to accommodate the Legislature and State officers, and, judging from the number of persons seeking employment at this time, labor can be obtained at rates but little more than it commands in the East.

The State is now renting the Capitol at eight thousand dollars per annum, which is eight per cent on the estimated cost of the proposed new building.

GAMING LAW.

The law now upon the statute-book should be modified. The first act passed on this subject, in 1851, licensed gaming, which then existed in every portion of the State as a regular business. On the twenty-seventh April, 1857, the Legislature, in making an effort to suppress this evil, which was scattering ruin and desolation throughout the State, passed a law which, because of its severity, has rarely been executed. Indeed, while gaming, in the cities, has been driven into secret places, there are many towns and villages in which it is still carried on in the most public manner. None but those who have traversed the State can be aware of the extent of this evil, or the powerful influence still exerciseed by professional gamblers. At the ninth session, the Legislature took the other extreme and passed a bill which, by the leniency of the punishment, in point of fact, licensed gaming instead of suppressing it. It failed, however, to receive the approval of the Governor, and did not become a law. In vetoing that bill I said :

"The act now before me makes the dealer of certain banking games, therein named, guilty of a misdemeanor, and subject to a fine, not less than five hundred nor more than six hundred dollars.

I think it will be difficult to find a penal act where the maximum and minimum punishments are placed so closely together.

By the act which this repeals, this offense is a felony, and subjected the party to imprisonment, for not more than five nor less than one year. The old law makes it a misdemeanor to bet on any of these games; the act before me does not. This is making too wide a distinction between men occupying seats on different sides of the same table. The act of seventeenth April, 1855 (which this also repeals), very properly makes a distinction between the punishment for the first and second offense; this does not. The existing act goes further than the common law, in declar-

ing certain contracts, etc., in regard to gaming, null and void; this act is silent on the subject.

Under the bill before me, if a gambler was only indicted three or four times in the year the fine is so insignificant that he could pay the penalty and still carry on a profitable business.

This license (such it is in effect) would amount to some one hundred and fifty or two hundred dollars per month. This is far less than the sum charged for license for gambling houses by the act of March 14, 1851."

These are still my views, and the whole subject is committed to your consideration. It may be proper to remark, that the records of the State Prison show only three convictions under the existing law, although nearly three years have elapsed since its passage. In the meanwhile, however, it is believed that the gaming-table has been the immediate cause of the incarceration of more than a hundred persons in that institution during that time. The gamblers themselves have succeeded pretty well in keeping out of the prison, but their victims have been less fortunate.

INDIAN DIFFICULTIES.

During the past year we have had our usual difficulties with some of the Indian tribes residing within our borders. In the month of May last several petitions were presented from a large number of citizens residing in Tehama County, representing: That a band of hostile Indians inhabiting the eastern portion of that county had committed a number of murders and destroyed a large amount of valuable property; and, that the houses of Col. Stevenson and Mr. Hooker had been destroyed by fire, and the lives of seven human beings who occupied them, sacrificed. A public meeting was held at Tehama, also at Red Bluff, at which resolutions were passed invoking the aid of the State authorities. A company of United States Infantry had been sent to that vicinity with orders to catch the Indians and turn them over to the civil authorities. Being satisfied that no good whatever would result from an expedition of that character, I directed Adjutant-General Kibbe to muster into the service of the State a full company of volunteers. General Kibbe placed himself at the head of this force and proceeded at once to chastise these Indians, who had for several years been committing outrages upon the persons and property of our citizens. After several engagements, in which some two hundred Indians were killed, the remnant of the tribe (say four hundred and fifty souls) surrendered and were transported by sea to the reservation at Mendocino. They are there comfortably located, and it is hoped they will not again give us trouble.

As the Adjutant-General has not yet reported to me, I am unable to give you a detailed account of his operations and the expenses incurred. These, no doubt, will be furnished you in due time. The campaign was eminently successful, and great praise is due to General Kibbe and the gallant and patriotic officers and soldiers for the manner in which it was conducted. They have, indeed, rendered the State great service, and it is hoped that the Legislature will make an appropriation to remunerate them and to cover the other expenses of this Indian war. The State should pay troops called into its service instead of sending them to the Federal Government. It should present the claim against that government and urge its payment.

It is also my duty to inform you that, during the past summer, the Indians residing between the North and South Forks of Eel River, in Mendocino County, killed several of our citizens and destroyed a large amount

of property. Satisfied, from their movements and repeated depredations, upon the representation of the county authorities and other persons, I was compelled to direct Captain W. S. Jarboe to organize a company of twenty men to pursue and break up this band. He has succeeded, to a great extent, in accomplishing this object. I am not aware of any recent disturbance in that quarter, and hence an order has been issued disbanding the force.

It is very difficult to devise any plan which will either protect or preserve the Indians within our limits, or prevent them from committing outrages upon the persons and property of our people. In many localities inhabited by these tribes, the game has been killed or driven out, and herds of cattle are now found there. The Indian, whose occupation is that of hunting, when unsuccessful in the chase, and pinched by hunger, steals from the miner or settler, and a whole tribe, to which he belongs, are denounced thieves, and pursued as such. It is quite likely that many of our difficulties with the Indians grow out of the imposition or outrages perpetrated upon them by degraded white men, with whom they are too often brought in contact. In this way hostilities are provoked, and good citizens are compelled to suffer the consequences.

For particular information on this subject you are respectfully referred to the correspondence which will be transmitted to-day with a special communication.

MILITIA.

In the absence of the report from the Adjutant General, who, during the last five months has been nearly all the time in the field, (and performing the most valuable service,) I am unable to give you the precise condition of our military organization. We have forty-nine companies of volunteers organized, two thousand seven hundred muskets, (or their equivalent,) and two six-pound field pieces, with accoutrements.

No State in the Union is so directly interested in encouraging the formation of volunteer companies as ours. We are separated by boisterous oceans and extensive deserts from all our sister States, except Oregon, and in the event of a war with any formidable European power, a descent might easily be made upon our coast. We have, it is true, the well-known courage and untiring energies of the people to rely upon for protection, but this without discipline would be found inadequate, as raw recruits are rarely effective. A well-drilled volunteer corps would constitute a nucleus around which a powerful army could soon be gathered. The general encampment near this city last summer, has had a salutary effect in awakening a more lively interest in the formation of these companies.

In carrying out the policy which I had adopted, of giving preference to companies located in counties where we were most likely to become involved in difficulties with the Indians, I have been unable to furnish arms to any of the companies organized in our colleges or academies as authorized by the Act of 23d April, 1858. This is regretted, because I regard the organization of such companies in our literary institutions as exceedingly useful and proper. A knowledge of military tactics and the use of fire-arms, aside from the physical benefits resulting, will be of an immense advantage to our youths.

In consideration of our isolated position, the Senate of the United States in 1856, passed a bill giving to California eight thousand stand of arms, in addition to those to which we were entitled under the general law of distribution. This was not, however, called up in the House of Representatives, but it is believed that additional arms can be obtained from the

Federal Government, and I respectfully recommend the passage of a joint resolution calling the attention of our Senators and Representatives to it.

EDUCATION.

A few remarks upon this subject must suffice, as every one acknowledges the importance of the general education of the people, especially in governments where the institutions and laws are founded upon public opinion. It is utterly impossible to maintain a republican form of government unless the masses are educated. Nor is it necessary for me to say that it requires a higher degree of intelligence to administer this successfully than any other.

The report of the Superintendent of Public Instruction was received at too late an hour to admit of a close examination. A glance at its contents satisfies me that it will give you much valuable information upon this subject. At the close of the year 1858, the total number of children in the State, between four and eighteen years of age, was forty thousand five hundred and thirty, and at the close of 1859 the number had increased to forty-eight thousand four hundred and seventy-six, of which twenty-five thousand three hundred and forty-eight were boys, and twenty-three thousand three hundred and twenty-eight girls. The total number of children *under* four years of age on the first of January, 1859, was twenty-three thousand five hundred and fifty-eight, and on first of January of the present year, the number was twenty-eight thousand three hundred. The total number of children under eighteen years of age was, therefore, sixty-four thousand and eighty-eight, in 1859; and in 1860, seventy-six thousand nine hundred and seventy-six, showing an increase of twelve thousand eight hundred and eighty-eight.

The number of children who were born in California, was, in 1859, thirty-three thousand five hundred and forty-six, and in 1860, forty-one thousand four hundred and fifty, showing the number born during the year 1859 to be seven thousand nine hundred and four.

The whole number of children attending school, public and private, in 1858, was twenty-two thousand two hundred and forty-four, and in 1859, twenty-seven thousand six hundred and one, and the organized School Districts were increased during that period from four hundred and eleven to four hundred and sixty-three.

The whole amount of State School Fund apportioned among the respective counties during the year 1858, was fifty-three thousand four hundred and four dollars and ninety-five cents, and during the year 1859, seventy-two thousand three hundred and nineteen dollars and fifty-two cents. The whole amount expended for school purposes in the year 1858, was three hundred and thirty-nine thousand nine hundred and fourteen dollars and seventy-seven cents, and during the year 1859, was four hundred and twenty-seven thousand and three dollars and seventy-five cents; showing an increase in one year of eighty-seven thousand eighty-eight dollars and ninety-eight cents. These statements speak well for the condition of our schools, and give satisfactory assurance that California will soon be in advance of many of her sister States.

It is proper that I should call your attention to the fact, that during the past year, a large quantity of land has been sold in this State by the Federal Government, and California, in my opinion, is entitled to five per cent. of the net proceeds of these sales. The policy of giving this to the new States is based upon the pledge that lands belonging to the Federal Government within their limits, should not be taxed. This five per

cent. was given to Ohio, Louisiana, Mississippi, Indiana, Illinois, Alabama, Missouri, Florida, Arkansas, Iowa, Michigan, Wisconsin and Minnesota; and although the phraseology used in the act admitting us into the Union might leave the question somewhat indefinite, still it cannot be supposed that Congress intended to deal less liberally with us than with our sisters. As this five per cent. may probably reach, when the lands are disposed of, a million of dollars, the attention of our Senators and Representatives should be directed to this subject.

AGRICULTURE.

The annual exhibition of the State Agricultural Society, which took place at Sacramento, in September last, was more largely attended than upon any previous occasion, and the display of stock, of fruit, cereals, etc., was far superior to anything ever before presented in the State; while every department of the mechanic arts contributed its share towards the exhibition.

We have certainly great cause to rejoice at the rapid progress which our people are making in all that tends to build up a great and powerful State. The lively interest which is now manifested in the improvement of all sorts of stock, will soon give us, in our genial climate, the best varieties of domestic animals in the world.

Our rich lands are being rapidly put under cultivation, and we are no longer dependent upon others for the necessaries of life. The report which the Agricultural Society is required to make to you will no doubt show in detail the vast increase in every department of agriculture during the past year.

Indeed we have within our own limits all the elements of true greatness.

The Federal Government has already found that it can construct war steamers here as well as in the Atlantic States, and that we have all the material, as also the highest mechanical skill requisite to accomplish this object.

The improvements made in the mining districts during the past year, and the undiminished yield in the production of gold, must satisfy the most incredulous that our mineral wealth is inexhaustible.

With a population unsurpassed for intelligence and patriotism, with as rich and productive lands as the world affords, with inexhaustible minerals of almost every character and description known to science, if we act wisely and properly use the means which have been profusely spread before us, there is for us a glorious future.

LANDS.

In all our sister States in which swamp lands are found, the surveys had already been completed, and hence there was no difficulty in ascertaing their location. But in this State, unfortunately, the surveys have not yet been finished, and we will probably lose a large amount of that which properly belongs to us. A considerable quantity of that which at the time of our admission into the Union was swamp and overflowed land, has by natural, as well as artificial, causes, ceased to be such.

It may be found difficult now to obtain the proof necessary to establish our right to it. The surveys have been made by the Federal Government in this State during the dry season of the year, and the probability is, that a large quantity of land, which in truth is swamp and overflowed, will not be so returned.

In other States, very wisely, provision was made for the reclamation of these lands before any sales were made. The first act of our Legislature, passed twenty-eighth of April, 1855, on this subject, makes no allusion whatever to their reclamation. The next act donated a portion of these lands to a Company, organized for the purpose of connecting Tulare Lake with the waters of the San Joaquin. Nothing was done under this law, and it was subsequently repealed. The same year an act was passed, giving what is usually called Sutter Lake, to the City of Sacramento, and a certain portion of the proceeds were to be used for school purposes, in violation of the terms upon which the grant was made. For the first time, on the twenty-first of April, 1858, a law was passed, providing that the proceeds of these lands should go into a fund for "reclamation." This was again modified on the eighteenth of April, 1859. These acts seem to have been based upon the idea, that the State would, at some future day, devise a general system of reclamation.

If seventy-five thousand dollars had been taken at the outset, from the General Fund, and judiciously expended under the direction of Commissioners in constructing canals, or levees, it is not doubted that the lands which have already been disposed of, would have brought into the treasury more than three hundred thousand dollars. In addition to this, the land would have been under cultivation, and upon the assessment roll, bringing annually, thousands into the treasury, in the shape of taxes, and it is believed, would have eventually yielded more than two millions of dollars. It is, however, too late to correct the evil inflicted by the act of 1855.

The amount of swamp and overflowed land, surveyed and approved by the Surveyor-General from the passage of the Act of 1855, until the 15th December, last, is five hundred and fifteen thousand four hundred and sixty acres; and there is now in the reclamation fund, eighty-seven thousand and ninety-five dollars and sixty-six cents, from which it will appear that a large amount is still due this fund. There was also paid into the General Fund previous to the Act of 1858, the sum of forty-eight thousand one hundred and thirty-six dollars and ninety-five cents, which makes the aggregate proceeds derived from this source one hundred and thirty-five thousand two hundred and thirty.two dollars and sixty-one cents. Good faith requires that this should be transferred, and held sacred for purposes of reclamation, although the State has parted with nearly all her interest in those lands.

The quantity of land surveyed and approved last year, was one hundred and forty-six thousand four hundred and sixty-eight acres.

The amount of tide-lands under the Acts of 1858 and 1859, returned to the Surveyor-General's office and approved, is nine hundred and eighty-five thousand and sixty-three-hundredths acres. The amount of school lands located under the Act of 1858, is two hundred and sixty-two thousand and sixty-three thirty-six-hundredths acres, and the amount paid into the School Fund during the year ending 15th December, last, was eighty-six thousand four hundred and two dollars and eighty-seven cents. The quantity of seminary lands located was thirty-three thousand seven hundred and sixty-two ninety-hundredths acres, and there remains a balance of twelve thousand three hundred and seventeen ten-hundredths acres unlocated. The amount of principal and interest received was eleven thousand one hundred and thirty-five dollars and twenty-eight cents.

Under the old law, holders of land-warrants were not required to sur-

render them, and it is quite probable that a great many frauds have been practised. Some effort should be made to detect and expose them.

Whilst it is gratifying to see these funds, dedicated to educational purposes, rapidly increasing, this pleasure is enhanced by the proof it affords that our State is becoming settled by a permanent population which thus gives us that stability which is essential to our prosperity.

INSANE ASYLUM.

It will be seen by reference to the report of the Directors of this institution, that it has been well conducted during the past year. The report of the Resident Physician shows a permanent increase during that time of ninety-seven. The whole number of patients on the first December last, was three hundred and seventy. Of these, three hundred and seven were males, and sixty-three females. The expenses proper of supporting the patients exceeds very little that of eastern institutions. It is believed, however, that the compensation allowed to the officers and employés, is too much. Instead of supporting the Resident Physician at the institution, an allowance should be made for that purpose. As it is now, it is impossible to ascertain the amount which this costs the State.

Of the number admitted during the year ending first December, (two hundred and seventy-six) one-half were sent from three counties, San Francisco, Sacramento and San Joaquin.

The directors recommend payment of several small claims held by poor men against the institution, who cannot go to the expense, because of the smallness of the amounts, before the Board of Examiners and the Legislature. These, in the aggregate, amount to six hundred and thirty-seven dollars, which the Board ought to be authorized to pay.

The appropriation made by the last Legislature, (seventy-five thousand dollars), with proper economy, will be found sufficient to defray the expenses until the end of the fiscal year.

I concur in the recommendation made by the Directors in regard to the improvements and the purchase of stock for the use of the Asylum.

SCHOOLS OF REFORM.

In my last Annual Message the attention of the Legislature was called to the necessity of establishing a School of Reform for juvenile offenders. The number of reckless and wayward youths seen every day in the streets of our cities and towns, and who are very frequently imprisoned in our county jails, shows the absolute necessity of an establishment of this character. The number has vastly increased during the past year. The Legislature, acting on the recommendation of the Governor, passed an act authorizing him to appoint three Commissioners, with power to select and obtain, by gift, or by location, upon lands belonging to the State, a lot of land suitable for the site of a Reform School; they were also authorized to procure plans, specifications, etc. Messrs. W. T. Barbour, M. F. Butler, and N. A. H. Ball, were appointed. It will be seen by their report, that the Common Council of the city of Marysville has purchased and donated to the State, for this School, one hundred acres of land, situated four and one-half miles from that city, upon the banks of Feather River. As the soil is very fertile, the climate healthy, wood and water close at hand, this is considered the best location that could have been made. Plans and specifications have been carefully prepared by Mr. Butler, which, if adopted, will give us one of the finest institutions of this kind in the Union.

It is sincerely hoped that this subject, of such vast importance to the present and future welfare of the State, will receive the prompt attention of the Legislature.

An examination of the statistics in regard to the management of these institutions, which have been established in the older States, will show the immense benefits resulting from them. Indeed, it appears that seventy-five per cent. of those committed to such schools, have reformed and become useful members of society. There are a great number of children in this State without parents or relatives to govern or control them. There are, according to the Report of the Superintendent of Public Instruction, two thousand three hundred and fifty-four orphans in this State. The whole number of children in the State being seventy-six thousand nine hundred and seventy-six, it will be perceived that this unfortunate class is *extraordinarily* large. Many of these, for the want of proper attention, fall into bad habits, and eventually find their way into the prisons. The State is under a moral obligation to do all in its power to avert this calamity. It is also far better to expend the public money in throwing moral restraints around those children, and in training them up to habits of industry, than to support them in prison.

In every State where these institutions have been established, they have proved eminently successful, and it is not doubted that one here, where we have so large a number of children without parents or kindred, cannot fail to be extensively useful.

Upon the farm which has been selected, these juveniles can be supported as well as educated at a comparatively small expense to the Treasury.

I concur in the recommendations of the Commissioners, and most earnestly hope that they may meet with the approval of the Legislature, and be carried into execution.

STATE PRISON.

The Directors of the prison will no doubt make a detailed report of the affairs of this institution. A few weeks after I came into office a Joint Committee was appointed by the Legislature to visit the prison, and to report upon its condition. That report was made in due time, and exhibited a state of affairs which would disgrace any civilized country. A special message was addressed to the Legislature, (4th February, 1858,) inviting their immediate attention to the subject. On the 26th of February following an act was passed directing the Governor to proceed at once to take possession of this institution. I had no doubt about the constitutionality of the act, although the Supreme Court eventually decided otherwise. After consultation with the sub-lessee, and ascertaining that no force would be necessary, I proceeded to San Quentin, and on the first of March took possession of the prison and grounds, appointed officers, and prescribed rules for its government.

On the 26th of April ensuing the Legislature associated the Lieut. Governor and the Secretary of State with the Governor in the direction of the prison. The Lieut. Governor, as Chief Warden, remained at the prison until the first of January, 1859, giving his whole time and attention to a reformation of the abuses which for a series of years had existed. Justice to that officer requires that I should say, that by his energy and practical business qualifications the institution was placed upon as respectable a footing as the crowded condition of the Prison would allow. The prisoners were properly fed and clothed, and by his rigid economy in

every department, many thousands of dollars were saved to the State. For these valuable services he ought to be paid, and it is hoped that a sense of justice will prompt you to make the necessary appropriation.

The Directors in their last annual report showed that during the year the State had possession, the value of convict labor exceeded the expenditures some twenty thousand dollars. In the mean while the sub-lessee, J. F. McCauley, instituted a suit to recover possession of the prison, and on the 13th May, the State officers were ousted. Anticipating this I sent in a special message to your predecessors, under date of eighteenth April, 1859, in which I said:

"I have made every effort in my power to secure the passage of some law which would settle the State Prison difficulties, but the Legislature is about to adjourn without disposing of this question, and under the decision of the Supreme Court, (unless reversed on rehearing) the Prison in a few days will again pass into the hands of the lessee, McCauley. In the meanwhile the Governor, and some of his friends, who happened to be with him when he took possession under the order of the last Legislature, will be harrassed with law suits. The system of leasing the convicts, and giving the control of them to private individuals is as obnoxious to the people as it is to me, and I *must* earnestly invoke your Honorable Body, to take the necessary steps to prevent this calamity. To suffer that Prison to fall again into the hands of lessees, will in my opinion be a disgrace to the State. We have already expended a large sum of money in an effort to break up this system, and I hope the good work will not be abandoned."

On the nineteenth April, an act was passed which it was supposed would settle the whole prison difficulty. In approving the act, however, the Governor said: "It is proper to remark that the State Prison Fund is only some eight thousand dollars, and without an additional appropriation, the act in regard to the prison which I have this day approved, will be wholly inoperative." The Attorney-General, (for reasons which he will no doubt give you) declined taking any action under the bill. Believing that the contract if valid, had in all respects been violated by the sub-lessee, eminent counsel were employed and a bill filed in the Court to set it aside.

I have no personal knowledge of the manner in which the prison has been conducted since Mr. McCauley, under the decision of the Court resumed possession. The course pursued by the Governor under the order of the Legislature, and the consequent litigation, brought down upon him the personal and vindictive hostility of the sub-lessee and his adherents, and therefore he could not with propriety visit the institution. The large number of convicts who have escaped since McCauley resumed possession, will no doubt attract the attention of the Legislature. During the administration of the State officers, twenty-one convicts escaped. This covered a period of thirteen and a half months. The number of escaped *reported* during the three months subsequent to the taking of the Prison by McCauley, is sixty-nine, to say nothing of those who had been killed by the guard.

The present Executive has done all in his power to break up the infamous system of giving the control of convicts to private individuals, but his efforts have proved unsuccessful. There are now some six hundred prisoners confined at San Quentin, and it is well known that the accommodations are sufficient for not more than three hundred and fifty. Indeed with that number you must necessarily place some fifteen or twenty in the same room. A fearful responsibility rests upon a people

who suffer such things to exist. The insecurity of the prison contributes much towards the increase of crime, and it is believed that this is the chief reason why so many return upon new charges. In the present state of things it is impossible to adopt a reformatory system. Nothing can be done for the moral or intellectual improvement of the convicts. To expect a sub-lessee, whose only aim is to extract the largest amount of labor from the convicts at the smallest expense, would be absurd. It is a matter of little concern to him whether the convict leaves the prison an ignorant villain or an intelligent, honest man.

How far the sub-lessee has complied with his contract is a judicial question, and must be decided by the Courts. It is desirable, however, that all doubts may be removed by the passage of an act authorizing the Attorney-General to use the name of the State for the purpose of testing the question which has been raised between the State and the sub-lessee.

Great difficulty is experienced by discharged convicts in obtaining employment. They are sent from the prison indifferently clad and with means scarcely sufficient to reach San Francisco. In that city there is but a limited demand for labor, and those who desire employés are not disposed to engage men who come directly from the prison. In many cases the convict leaves in impaired health and unable to work if he could find employment. He has neither money nor friends. What is to become of him? He has made up his mind to lead an honest life, but he cannot live on resolves alone. He must have food. Finding no one to sympathize with him, no one to encourage and give him a morsel to eat, he comes to the conclusion that society is waging an unrelenting warfare against him; he falls in with his old associates in crime, who relieve his wants, and in timehe returns again to the prison. That man is irretrievably ruined. Nor is this a fancy sketch. Cases of this sort have occurred in our own prison, and will, it is not doubted, occur again. Are we not, therefore, called upon, by every principle of humanity, to mitigate, if not remove, this great evil? Are we not, as Christians and as men, under obligations to do something toward encouraging this unfortunate class? If we can expend a thousand dollars annually from patriotic considerations, can we not appropriate an equal amount to alleviate the sufferings of discharged convicts and aid them in an effort to return to the paths of virtue and honesty? If these men could be furnished with the necessary means to enable them to reach the great field of labor many of them would reform and become useful citizens. Some of our benevolent citizens of San Francisco might form an association with a view to find employment for this unfortunate class, and much good might be effected. Such an association, by opening a correspondence with the mining and agricultural counties, could be extensively useful in accomplishing this object. The State, by placing a small amount in the hands of such an organization, would not only contribute to the reformation of the criminal, but save thousands of dollars to the Treasury. It is far better (as a mere question of economy) to appropriate a small sum to aid in getting them employment than to expend thousands in convicting them again and supporting them in prison. I have spoken of the city of San Francisco alone. because of the situation of the prison; nearly all the discharged convicts go directly to that city.

But I now dismiss this subject by again urging the necessity of making immediate provision for a branch prison at Folsom, or some other point which may be agreed upon. The views of the present Executive may be found in the last Annual Report of the State Prison Directors, to which you are respectfully referred.

EXECUTION OF THE LAW.

Our criminal laws have generally been executed during the past year. It is true that instances have occurred where men have been deprived of their lives without due process of law, but these have been rare, compared with past years. Indeed, acts of this character have become somewhat frequent in other and older communities, and we would not, perhaps, suffer by a comparison with some of our sister States. These things bode no good to the Republic. If the people have sufficient intelligence to carry on a government founded upon their will, they ought to have stability and patriotism enough to see that the forms of the law are always complied with. By taking our criminal laws out of the hands of the courts, we strike the heaviest blow which can be struck at free institutions. There can be no security where an excited populace is permitted to execute the laws. It is to be hoped that an enlightened public sentiment will correct this evil here as well as elsewhere.

In connection with this subject, allow me to call your attention to the large number of homicides committed during the past year in this State. The reason may be found in the fact, that a considerable number of our people are in the habit of carrying deadly weapons, and where a quarrel ensues between two neighbors, one or the other falls. As, under the Constitution, the people have a right to bear arms, this evil is beyond the reach of legislation. It is folly to cumber the statute book with laws which cannot be executed, and therefore, public opinion alone must furnish the remedy. So, too, in regard to dueling; many valuable lives have been sacrificed in this State under what (I think) has been mis-called the "code of honor." So long, however, as the majority of he community sanction a resort to this mode of settling difficulties, so long they will continue to occur. The press has much to do with the formation of public opinion, and I deeply regret that this influence has not always been exercised to correct this evil. If gentlemen who adjust their difficulties without a resort to arms are taunted with cowardice, it cannot be expected that duels will not be fought. It requires, indeed, a high degree of moral courage to refuse to recognize a code which a majority of the community have sanctioned. The law prohibiting dueling has not been enforced, and therefore remains a dead letter upon the statute-book.

NATURALIZATION.

Many of our naturalized citizens, in visiting the country of their birth, have been called upon to perform military service to the sovereign whose allegiance they had renounced.

Several cases in which this claim has been asserted are of such recent occurrence, and are so familiar to our people, as not to require a statement of their leading features. As the State of California numbers among her adopted citizens many whose business or family relations may require their return to their native land, some measures on the part of the Federal Government are necessary to ensure abroad their proper protection. Our treaties with various foreign powers, made for the purpose of extending friendly and commercial relations, provide that our citizens shall enjoy certain privileges for the pursuit of their business; and in those treaties the contracting government makes no *reservation or exception* respecting the subjects who may have become citizens under our laws. Foreign governments are well aware of our policy in respect to naturalization. It dates from the first days of our Independence; hence, the treaties made with us must protect all our citizens who can substantiate their claim to

the title. If we allowed foreign governments to discriminate on any pretext whatever between native and naturalized citizens, we depart from the spirit of our Constitution, and fail to perform our just obligations to those whom we have solemnly promised to protect. The nations with which we have treaties of friendship and commerce reap immense advantage from their intercourse with us, and they even profit by the privilege of their subjects becoming naturalized among us. Placed by the liberality of our laws on a perfect equality with our native citizens, the naturalized merchant is enabled to advance by this privilege the trade and industry of his former home. A government who seizes the persons of our citizens on the pretext, that by the *mere accident of birth*, they owe it military service, seriously disturbs the business relations not only of our commerce, but its own, and results in a far greater injury than the personal service of its so-called *subject* can repay.

In various parts of Europe military service is held to be due the sovereign; but he is empowered for any reason of public policy, or other consideration, to release from this liability any of his subjects.

The exercise of the power to detain, against our remonstrances, any of our adopted citizens to perform this duty, on revisiting their early home, who had emigrated before attaining the age requisite to bear arms, and who would perhaps leave immediately after its performance, ought to be regarded as an unfriendly act of the former sovereign, and be met on our part by a system of retaliation.

While it is believed that it is the duty of our government to protect the adopted citizen against the constructive claims of his former sovereign to his services as a military recruit, my experience has been of a character to prevent me from asking that the right of citizenship should be extended to those who are *really actual* deserters, either in time of war or peace. The opinion of mankind respecting the obligation of the soldier to be faithful to his flag, would justify no government in shielding by its action those who are faithless to this duty, and in my opinion the person guilty of this offense is not deserving of the title of an American freeman.

Although thus far national attention has been excited only by the claims of various nations on our naturalized citizens to perform military service, at times, too, when the great European powers were on the eve of war, there is another branch of the subject fraught with greater dangers to this class of our citizens than the assertion of right to their services as recruits Our merchant marine employs a greater number of men than that of any other nation. It is estimated that about one-half its number, comprising seamen, officers, and a large portion of its commanders, are naturalized citizens, sailing with American protections. Nearly all the maritime powers of Europe have a system of naval enrollment by which their seafaring subjects are held to the performance of service in national vessels. Our extended commerce frequently exposes this class of our citizens to this danger, and if it has not more frequently occurred, it is owing to the fact that these powers have not been engaged in maritime warfare.

Against this claim, however, which may be as rightfully asserted by foreign powers as that for military service, our seafaring citizens of foreign birth have frequently not even the benefit of choice in returning to their native land. Commerce has its necessities, and the mariner must risk them or desert his post; hence he may be obliged to visit the land in which his name is enrolled as liable to naval service, and in which the value of the seaman is appreciated much higher than that of a military

recruit. Foreign Governments have disregarded the certificates of citizenship bearing the seal of the Federal Government, and should circumstances arise, an American protection would likely be less respected; and for this additional reason the soldier is necessary only to governments, while the services of the sailor are valuable to the sovereign, and even more so to the merchants of his realm: hence the claim for the latter is more likely to be enforced.

Under many of our recent treaties, our citizens are allowed to inherit property in the countries with which made; and in return we grant their subjects similar privileges. In those treaties no reservation has been made by either party withholding their benefit from naturalized residents of the contracting powers. To enjoy this right, free access to the tribunals of the respective countries is solemnly guaranteed; but the practical benefit can be denied to great numbers of our citizens, if when visiting their early homes to assert this right, their former Sovereign either as military or naval recruits, claims their services as due to him for a long period of years.

A treaty is in its nature a contract between two nations, made in the most solemn manner. In its effect it is far superior to the legislative enactments of either. The naturalized citizen of the United States, revisiting his native land, properly provided with his passport, is therefore entitled to invoke successfully the protection of the treaty, against all claims growing out of his allegiance to his former sovereign. As the citizens of California are deeply interested in this subject, I would recommend to the Legislature the passage of resolutions instructing our Senators, and requesting our Representatives, to support such measures as shall secure our citizens *everywhere*, the enjoyment of their rights regardless of birthplace. I think that the remedy would be attained by the enactment of a law empowering the President, on exhausting diplomatic measures, to obtain the release of our citizens, to declare differential duties on the vessels and cargoes of the offending nation, or to embargo their vessels for a limited period. The knowledge that such a power would be used, would prevent foreign governments from asserting the preetntions of which we complain.

CIVIL FUND.

I must again call the attention of the Legislature to our claim against the Federal Government, on account of revenue collected from our citizens, prior to our admission into the Union. This is a just and equitable demand, and it is hoped that payment will no longer be delayed. The balance due on this account, as stated by my predecessor, was two million seven hundred and six thousand five hundred and twelve dollars and thirteen cents. Had this fund been paid to us upon the organization of the State Government, as it should have been, our finances never could have been seriously embarrassed.

The discovery of gold, in 1848, threw at once into California an immense number of immigrants from every portion of the civilized world. The acquisition of wealth absorbed the thoughts of all. The scramble for gold commenced, and but few of the restraints of civilized society were felt or observed. Americans, however, who had been accustomed to constitutional governments, soon saw the necessity of an organization to protect persons and property. Military rule was incompatible with their ideas of civil liberty. The Convention which assembled the succeeding year, adopted a Constitution (subsequently ratified by the peo-

ple) which made provision for the meeting of the Legislature in that year. Without a revenue system, with an empty treasury, and without the means to carry on the State Government, the Legislature authorized the issuance of bonds to the amount of three hundred thousand dollars, bearing interest at the rate of three per cent. per month, to meet their current expenses. Notwithstanding the enormous rate of interest, so little confidence at home, as well as abroad, was reposed in our resources, that these bonds depreciated, and were sold in the market as low as sixty cents on the dollar. Although we had untold wealth, yet it was of such a character that it could not be reached by taxation. It was in the soil, and when extracted, the larger portion of it passed directly out of the State. The necessaries of life were enormously high, and it was difficult indeed to devise a revenue system which would meet the wants of what then must necessarily be an expensive government. For a series of years the expenses were allowed to exceed the receipts, and, as a consequence, a large debt soon accumulated. Instead of that economy which prudence demanded, the wildest schemes were devised, and legislative speculators were allowed to plunge the State still further into debt. The salaries of public officers were fixed at high rates, and of course a scramble for them commenced. A large number of patriotic citizens, who preferred the ease and quiet of office to toil and labor, were found ready to accept them. At the end of six years the good people found themselves incumbered with a debt of some four millions of dollars, and all of this, over three hundred thousand dollars, was contracted in direct violation of the Constitution. All that we can show to the world for this debt, is a badly constructed prison, and a tolerably respectable Insane Asylum; both of which could now be erected for less than four hundred thousand dollars.

The Supreme Court having decided that the debt was unconstitutionally contracted, in 1857, under the act of the Legislature of that year, the people were called upon to assume or repudiate it. Notwithstanding the treasury had been literally robbed and the property of the State shamefully squandered by public agents, the people by a majority of forty thousand six hundred and ninety-one, upon a popular vote of seventy-four thousand six hundred and thirty-one, assumed the debt and directed new bonds to be issued. No one acquainted with the character of our people ever doubted the result. But it is useless to revert to the past except to draw lessons which may be advantagous to us in the present and future.

Rigid economy in the Legislative, and industry, ability, and integrity, in the executive and judicial departments, will soon relieve California from all her financial difficulties and give her the proud position to which her inexhaustible resources entitle her.

HOMESTEAD LAW.

Section fifteen of article eleven of the Constitution, provides that the Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

Under this clause the Legislature, by act of April 21st, 1851, exempted from forced sale, the homestead consisting of a quantity of land with dwelling house, and its appurtenances, not exceeding in value the sum of five thousand dollars.

That clause in our Constitution was adopted for the protection of the family.

Unfortunately for the State the easy manner in which the marriage relation has been dissolved has resulted in serious injury to the welfare of minor children, and unless legislative action be had for the purpose of securing the homestead to the actual head of the family, the moral effect of that tie will be further lessened.

The married man, from prudential reasons, ought to have this property set apart and duly recorded in compliance with the provisions of a law making this requirement.

From various causes, however, of business, absence, or other motive, he may neglect to do so. As the object sought to be obtained by the Constitutional clause is one of a most beneficent character, it is suggested that the wife, in certain cases, on petition to the District Judge, ought to be allowed to have the record made, and the property at once set apart for this purpose, and a sale of the homestead should not be permitted without her consent in writing, made before a judicial officer. This subject is one of much importance, and I hope that it will receive your earliest and most earnest attention.

RESOLVES.

During the past year this department has received sundry resolutions, passed by Legislatures of some of our sister States, both North and South, upon the subject of slavery in the territories. These resolves I have been requested to transmit to you. As I cannot perceive that any good whatever could result from a discussion of this question at present, I have declined complying with their request. We have institutions here which suit us, and if our neighbors are less fortunate, they can change them whenever it suits their convenience. The fact must be apparent to all, that the agitation of the question of slavery has engendered a feeling between the North and the South, which now threatens the stability of the government. Recent occurrences, of a most unhappy character, in one of our sister States, have produced an intensity of bitterness, both North and South, which forces the patriot who loves the Union, to indulge in gloomy forebodings as to the future. That tie of affection, which in other days bound us so closely together, has become weakened and loosened. That enlarged patriotism, which once controlled and governed the people of the respective States, is now circumscribed within sectional limits, and as a consequence, the affection which they once felt for the Union has become seriously impaired. To maintain that fraternal spirit, which alone can hold us together, is becoming more and more difficult each succeeding year, and serious apprehensions are now entertained asto the permanency of the Union. Although vigorous efforts have been made from time to time to keep the question of slavery out of politics, all have proved unavailing. It is folly to shut our eyes and console ourselves with the belief that there is no danger. That which was once whispered in the most secret places, is now loudly proclaimed and boldly discussed in open day.

For more than forty years, commencing with stealthy steps, one portion of the Union has continued to assault the institutions of another, and in the meanwhile a new generation has come upon the stage of action to carry out the principles deeply impressed upon their minds by their fathers. Taught in their schools, churches, and theaters, to regard slavery as an accursed thing, and they who participate in it monsters of iniquity who violate all the laws of humanity, they are ready to act upon

these principles and pursue them to their legitimate sequence. I know that there is still a strong conservative element among us, but this grows out of the fact that a portion of the generation educated without sectional prejudices and taught to love and venerate the Union, are still lingering among us. But in a few years they will have passed away, and our institutions will be in the hands of those who have ceased to respect a Union which they believe (because they have been so educated) tolerates the most atrocious injustice.

Sad as it is to contemplate, that after threescore and ten years of almost uninterrupted prosperity, during which period we have built up a government which is now regarded by the civilized world as one of the first powers of the earth in every element of greatness, we should in the madness of the hour sacrifice all in a futile attempt which would not elevate the slave, while its only practical result would be to Africanize the southern portion of our Union.

California, wisely, as I think, refused to tolerate slavery within her limits, but at the same time she has no disposition either by the discussion of the question, or otherwise, to interfere with the domestic institutions of other communities.

Standing upon the compromises of our venerated fathers, she says to the South, as well as the North, we are ready with our lives to protect all your institutions against aggression, come from whatever quarter it may.

But after all, if the wild spirit of fanaticism which now pervades the land should destroy this magnificent Confederacy, (which God forbid) she will not go with the South or the North, but here upon the shores of the Pacific found a mighty republic which may in the end prove the greatest of all.

Painful as it may be, we are compelled to contemplate such an event as possible at least.

In the meanwhile we have a work to accomplish in developing our vast resources, and laying the foundation of future greatness, which demand all our time and all our energies. In improving the moral and physical condition of our people, in enacting laws to promote their interests and secure their happiness, we can be much more profitably employed, than in discussing the question of slavery in the Territories. Besides, that kindly feeling which the States should at all times manifest towards each other, demands that we should abstain from anything calculated to render insecure or less valuable, the property of its citizens. While, therefore, I have the most profound respect for the Legislature of the States to which I have referred, in the performance of what is conceived to be my duty, I have declined sending these resolves to you.

ROADS, ETC.

Much has been done during the past two years to place us in closer communication with our Atlantic brethren. The construction of roads, and the establishment of mail routes by the Federal Government across the continent, have done a great deal to advance the prosperity of the State, and strengthen the ties which bind us to the Union.

It is not doubted that both of the established routes can be kept open during the whole year, and that the mails can be transported without serious difficulty.

Indeed upon, one of them the mails have been carried in coaches during the past year, with astonishing regularity and dispatch.

The establishment of military posts at certain points on these roads to protect mails, passengers, and immigrants, from the attacks of Indians, is all that is necessary to complete the system. Settlements will soon be made along these routes, and in a very short time the posts can be broken up and abandonod. But after all, the necessities of the country, demand the construction of a Railroad. It is earnestly hoped that Congress, will at its present session, devise some plan for connecting the Pacific with the Atlantic. The information neces ary to establish the practicability of the work, has long since been obtained. Its necessity, no one questions, and hence there is no excuse for delay. The President of the United States, has with commendable patriotism, again and again in his annual messages invoked the attention of Congress to the subject. In the one of December, 1858, he says :

"The first and most momentous of these is, that such a road would be a powerful bond of union between the States east and west of the Rocky Mountains. This is so self-evident as to require no illustration.

But, again, in a commercial point of view, I consider this the great question of the day. With the eastern front of our republic stretching along the Atlantic, and its western front, along the Pacific, if all the ports should be united by a safe, easy, and rapid, intercommunication, we must necessarily command a very large proportion of the trade both of Europe and Asia. Our recent treaties with China and Japan, will open these rich and populous empires to our commerce; and the history of the world proves that the nation which has gained possession of the trade with Eastern Asia, has always become wealthy and powerful. The peculiar geographical position of California and our Pacific possessions, invites American capital and enterprise into this fruitful field. To reap the rich harvest, however, it is an indespensable prerequisite, that we shall first have a railroad to convey and circulate its products throughout every portion of the Union. Besides, such a railroad through our temperate latitude, which would not be impeded by the frosts and snows of winter, nor by the tropical heats of summer, would attract to itself much of the travel and the trade of all nations passing between Europe and Asia."

Such a work, situated as we are, would, in a military point of view, be worth more for protection against foreign invasion than all the fortifications which are being placed in our harbors. Without a railroad, the Federal Government never can give us the protection to which, as a member of the confederacy, we are justly entitled. A few months since we were on the eve of difficulties with the British authorities on our northwestern frontier, and in the event of a collision the harbor of San Francisco would have been blockaded at once, and the city placed under contribution. Shut up that harbor for sixty days, and stop the shipment of gold dust, and the paper banks generally in the Atlantic States would break or suspend specie payments. The disastrous effect upon commerce and credit, would soon be seen and felt in every section of the country; nor would the Federal Government escape the shock. Her revenue would be so diminished as to affect seriously her finances, and impair the public credit. It is certainly the duty of enlightened statesmen to guard against disasters of this character. Although a generation has passed away since we had any serious difficulties with European powers, yet in the present condition of affairs, we can scarcely expect that these peaceful relations will continue much longer. Our commerce has increased until our merchant vessels are found on every ocean and every sea. Our interests often come in conflict with the interests of other

powerful nations, and in the struggle for supremacy, feeling may be engendered which will eventually result in war. The policy of our Government is to absorb the other States upon the American continent, and in the acquisition of a prize of this immense value, we must expect to meet with opposition from abroad. The jealous powers of Europe cannot be expected to stand aloof and see State after State drawn into the Federal Union, and the strength and importance of America overshadow them. He knows nothing of the progressive spirit of our people, who cannot foresee that our destiny is to cover the continent. This will be accomplished, unless in the madness of our prosperity we break up the Union, and sever the cord which binds us together, and constitutes our might and our power. As a united family, what a glorious destiny awaits us. Divided and distracted, torn to pieces by intestine factions and civil wars, the name of American will cease to be respected by the civilized nations of the globe.

The difficulties, to which allusion has been made, upon our Northern frontier, have not been settled, and as each government asserts in the most positive terms its right to the Island of San Juan, we may be involved in a war at a very early period. However much we would deplore a war with Great Britain, or any other power, still, with all its horrors, it would be far preferable to disgraceful submission. It is true the full force of the first blow would be felt here, but gallantly and bravely would our patriotic sons meet the emergency.

But the importance of a railroad connection with the Atlantic has been so often demonstrated, that it is not deemed necessary to discuss the subject any further.

The last Legislature, by a joint resolution, invited a Convention of citizens residing upon this coast, to meet at San Francisco, to devise some plan to secure the construction of the road.

Delegates were elected from all classes of the people in various parts of the State, and also in Oregon and Washington. A Convention assembled on the —— day of September, and proceeded to discuss the subject *in extenso*. Much valuable information was elicited, and a deep and lively interest manifested in the speedy commencement of the work. In the meanwhile, memorials have been forwarded to Congress, and an agent dispatched to attend specially to this matter. It is not doubted that our Senators and Representatives will also do all in their power to secure this work, which has been properly designated "the necessity of the age." The Convention was subjected to some expense in printing memorials, circulars, etc., which ought to be borne by the State. We should remember that we have a rival, owning large possessions upon this coast, who has the activity, the energy, and the necessary means to construct this work. I allude, of course, to Great Britain. In the great struggle which is now going on, to obtain the control of the commerce of Asia, it may prove much more formidable, if we foolishly delay the construction of this railroad, and British America, instead of the United States, may reap the advantages.

There is another subject intimately connected with this, upon which I desire to submit a few observations, I refer to the establishment of a line of mail steamers from San Francisco to China *via* Sandwich Islands and Japan. Congress has already established a number of mail routes connecting several of our Atlantic sea-ports with Western Europe, thus giving to our sister States many advantages which have been denied to us. We have nearly as much territory now on the Pacific as we had on the Atlantic coast forty years ago. Their citizens, however, have,

through postal arrangements, direct communication with Europe, while with Asia fronting us upon the west, we are dependent upon the irregularity and uncertainty of merchant vessels for the transmission of our correspondence, and this mode of communication is frequently closed to our merchants by rival interests. Or, if we desire to avail ourselves of the mails established by the Federal Government, we must send our correspondence to New York, thence to England, subjected to the surveillance of British officials, and thence to Asia, reaching the latter point in eighty days. A steamer running direct from San Francisco could reach China in eighteen or twenty days, and this, after a railroad is completed, would place China as near New York, in point of time, as San Francisco now is.

The opening of several ports recently in China and Japan, which countries embrace one-half the population of the globe, must vastly increase our commerce, and the establishment of a line of steamers, such as is proposed, would facilitate this very much. The commerce of the Pacific has now become so important that a squadron of armed vessels are constantly required for its protection. Steamers running regularly *via* Sandwich Islands and Japan to China would, to a considerable extent, supercede the necessity of this naval force, and the Federal Government would not then be compelled to send vessels of war, at a vast expense, to hunt up distressed or shipwrecked seamen upon that coast, or to give protection to American citizens resident in those countries. Besides, these vessels could be so constructed that, in case of necessity, they could readily be converted into war steamers. The policy of the British Government, for many years, has been to establish mail routes to all foreign nations with whom she holds commercial intercourse. Her statesmen do not stop to inquire whether the postages received will defray the expenses, but, looking to the increase of commerce and the general advantages resulting from frequent intercourse, multiply mails in every direction. Indeed, looking at it as a mere postal arrangement, it is probable that the excess of expenditures in that country, over and above receipts, amounts to more than three millions of dollars per annum.

In the recent European war, England and France were enabled, by employing the mail steamers, which their policy had encouraged, to transport their troops and munitions of war to the field of operation in a remarkably short time. Much of their success is attributable to the rapidity of their movements in placing a large and well-supplied force in the field at an early day.

Millions have been expended in sending fleets to China and Japan to make commercial treaties and open new ports, and we are likely to derive very little advantage from this for want of a small appropriation to aid in the establishment of a line of mail steamers. That immense commerce, so eagerly sought after in all ages, by all nations, and which has always enriched those who enjoyed it, is likely to fall into other hands, because of the failure of the Federal Government to act. The organization of two States and one Territory on the Pacific, gives America a position where she could readily command this trade, and thus contribute towards the prosperity of every section of the confederacy. Short-sighted indeed is that policy which allows the opportunity to pass.

In our sister States, where railroads constitute an important feature in their affairs, railroad companies are required by law to report all their operations annually to the Legislature. In this way the representatives of the people obtain valuable statistics, which enable them to protect their rights, and so legislate as to promote the public good. In this State, as

we have but one road, of but twenty-two miles completed, it is not yet a matter of much practical importance. However, the intelligent and obliging engineer on this road, J. P. Robinson, Esq., has furnished me with some statistics, which may be interesting to you and the public.

The Sacramento Valley Railroad was organized in 1853. Its work of constructing was commenced in February, 1855. The first rail was laid on the 9th of August, 1855. It was formally opened to Folsom (twenty-two miles,) on the twenty-second of February, 1856, although it commenced its operations on the first of January, 1856:

Its Capital Stock is	$800,000
Its First Mortgage Debt is	400,000
Its Second Mortgage Redemption is	329,000
Its present represented cost is	$1,529,000

Its gross earnings from Jan. 1st, 1856, to Sept. 30, 1859, is	$700,000
Expenses for same period	333,000
Its net earnings for same time	$367,000

During that period three hundred thousand persons have been transported over the road, who have traveled six million miles. During that period forty-one thousand tuns of freight have been transported over the road. Of which amount, sixty-one thousand tuns have been a newly developed business, that otherwise would not have existed. Not one accident to life or limb of a "passenger has occurred upon the road." It may be a matter of surprise, that although three hundred thousand persons have traveled over this road, no accidents resulting either in death or in injury to limb have occurred. This speaks well for the management of the road. It may appear strange to learn that the cost of working it is less than that of many of the eastern roads. This, however, will appear from the following statement, which has been carefully compiled:

Comparison of the Expense per Mile run by Trains on the following named Roads.

Items of Running Expenses.	New York Central.	New York and Erie.	Hudson River.	Sacramento Valley.
For repairs, Cars and Engine	22 7-10	26 6-10	24 9-10	15 8-10
For Conductors, Baggage men, etc.	4 3-10	7	6 4-10	15
For Engineers and Firemen	4 7-10	7	5	11
For Fuel consumed	23 2-10	16 1-10	27	11 3-10
For Oil consumed	3 4-10	3 3-10	2 2-10	1 5-10
Total	58 6-10	60	65 5-10	54 6-10

For the purpose of exhibiting the comparison in the economy of operating, the items of employé's salaries, ought not to be estimated; for on the first three named roads they are constantly occupied, while on the latter but small portion of the time. Then the comparison—

Would be.....	49 6-10	46	54 1-10	28 6-10

As roads of this character will soon be constructed in our State, I recommend the passage of a law requiring those who control them to report annually in detail all their operations to the Governor or the Legislature.

A remark or two upon another subject not directly connected with this, however, and I am done.

In consequence of the difficulties in which our citizens are constantly involved because of the unsettled condition of the Mexican States lying contiguous to California, I would rejoice to see the Federal Government establish a protectorate over them. The people of that ill-fated Republic have proved themselves wholly unable to maintain a stable government which can give protection to either person or property. Our adventurous people who frequently go to those States for commercial purposes, are very often subjected to great losses and annoyances. They are sometimes, too, deprived of their property and liberty, because they may have incurred the displeasure or excited the suspicion of some arbitrary officer. As a general principle, "entangling alliances" should be avoided, but as these States will ultimately be absorbed, as has already been said, by our Republic, and as they are now too weak to carry out the laws of nations and secure the citizens of other States against aggression, we should take them under our protection.

PARDONING POWER.

The Constitution confers this power upon the Governor in the most unqualified terms.

It is true that sound policy requires that the different departments of the government should interfere as little as possible with each other, still a refusal to exercise the pardoning power in all cases out of respect for the judiciary, would violate every principle of justice and humanity.

The Executive in his sphere must act independently and upon the conviction of his own judgment. It is the business of the Courts to convict men who have, as they believe, violated the laws of the State: but it is also the duty of the Governor to extend his clemency whenever he conscientiously believes that the individual is entitled to it. I have as much respect for the Legislative, as for the Judicial department; and yet as the Executive I have frequently been compelled to withhold my approval from bills, although passed by those who were the representatives of the people, and who came directly from them.

I do not believe in the infallibility of either courts or juries. Like all other human tribunals, they sometimes err in this as well as in other communities. It is admitted, however, as a general principle, that the frequent use of the pardoning power is calculated not only to destroy that *certainty* of punishment which is essential to the due administration of our criminal laws, and also interferes with the discipline of the prison.

In this State under the wild excitement which frequently prevailed in various localities, men were sentenced for unusually long terms, and sometimes upon insufficient proof.

My experience and observation have forced me to the conclusion that in a new country, composed of a population drawn from all parts of the globe, that passion or prejudice sometimes control the action of juries, and the innocent are made to suffer.

Again, at different periods, crimes become so frequent in some counties, that courts and juries inflicted, by way of example, extraordinary punishments to arrest the evil.*

This may have had a salutary effect, but as the causes of these severe punishments have ceased to exist, there is no reason why the convict should still suffer. Whenever, therefore, after a careful review of the record, the punishment was believed to be excessive, I have not hesitated to extend executive clemency.

There are many persons in prison, sentenced for ten years, upon conviction of grand larceny, under ordinary circumstances, for the first offense. In all well-regulated communities, this punishment would be regarded as excessive. In addition to this, a few years since, Judges, in order to propitiate popular favor, or cater to the clamor of the day, sought to establish the reputation of *severe*, rather than just, officers.

Another consideration has had its influence upon my action. Under our wretched prison system, the old accomplished burglars and thieves, and the impetuous and ardent young men who, perhaps, in a fit of ungovernable passion, or under the influence of liquor, drew a deadly weapon upon their fellows, but who still have generous and honest impulses—are thrown promiscuously together. The graduated villains, from the prisons of other countries, are there to detail their deeds of villainy, and teach lessons to the young and unsophisticated, which, in all human probability, will ruin them for ever.

Men, perhaps, tenderly raised under the parental roof, and who hope and expect to return again to their families and friends, are thrown in with convicts who have run a long career of crime, and whose hearts are hardened beyond redemption.

In some of the rooms as many as sixty or seventy are lodged together, without the restraining influence of an officer or guard. Here songs are sung, tales of infamy recited, and crimes committed of the most abhorent character. Under these circumstances, the young and unsuspecting, who might have been reformed, come out confirmed villains.

I said in my last Message "that unless something is done speedily to provide for the accommodation of this army of convicts, the Executive might be compelled to pardon some of them, with a view to their transportation beyond the State. The law of self-preservation may compel me to throw them upon other communities." I have acted upon this principle in several cases, as will be seen upon examination of the record during the past year. Some of these convicts have, at the request of their relations, been sent to their homes in the Atlantic States, and it is hoped and believed that a portion of them, at least, have reformed; here they never would.

During my administration a number of convicts have been discharged upon testimony discovered since their conviction, which if given on trial would have acquitted them. As in this State, we have so many migratory persons without any habitation or fixed abode, it is often found

* In some cases, the Judges who sentenced have applied for pardon, and assigned this as a reason for length of sentence.

difficult to secure the attendance of witnesses, especially after a considerable period of time intervenes between the arrest and trial. In view of this it is suggested, that the criminal practice act, be so amended that a new trial may be had in criminal cases at any time, where the newly discovered evidence is of such a character as to induce the Court having jurisdiction of the case, to believe that the prisoner has been improperly convicted. In that tribunal, all the facts could be elicited and a full and fair trial had. As it is now, the Governor may be deceived or imposed upon by *ex parte* affidavits, or the statements of persons unacquainted with all the evidence. Surely, no innocent man should be allowed to remain in any prison, and especially the one at San Quentin.

In consequence of complaints having been made in some quarters that this power has been abused, a comparison has been instituted between the present and preceding administrations. The last two years of Governor Bigler's administration, (1854–5) forty-four persons were pardoned, being six eighty-six-hundredths per cent. During the two years of Governor Johnson's administration forty-nine were pardoned, being four twenty-seven-hundredths per cent., and during the present administration sixty-six were pardoned, being five eighty-six-hundredths per cent.

The fact is to be remarked, that of the number pardoned by this administration, sixteen were placed on vessels and sent out of the State. In other words, banishment was substituted for imprisonment. Twelve, also, of the number pardoned were discharged, upon condition that a conviction of violating the criminal law of the State should operate as a forfeiture. Thus leaving unconditionally pardoned, during the two years only thirty-eight, or three thirty-seven-hundredths per cent. In this calculation, men whose term had expired, and were merely restored to citizenship, are not included. It should also be remembered that five of these convicts, in imminent danger of death unless released, were pardoned upon the certificate of the Surgeon of the prison, in compliance with the statute of eighteenth May, 1853.

I have also examined the reports of the prisons in other States, and find, taking the latest accessible to me, the following result:

Per Centage of Convicts Pardoned in following States:

STATE.	Number.	Pardoned.	Year.	Per Cent.
Tennessee	427	105	1857	24 60-100
New Jersey	362	67	1857	18 50-100
Texas	197	30	1857	15 25-100
Maine	113	10	1857	9
New York	1869	139	1856	7 43-100
New Hampshire	135	9	1857	7 40-100
Massachusetts	452	29	1857	6 85-100
Mississippi	140	10	1858	7 15-100
Ohio	842	47	1857	5 58-100
California	1125	66	1858–'59	5 86-100

I may possibly have permitted, in some instances, my sympathies to control my judgment; but, hardened indeed must be the feelings which

never yield to the cries of the broken-hearted mothers, wives, or sisters, of these unfortunate men. If I could have divested myself of all the sympathies which belong to humanity, I might have resisted all these appeals and sternly said to the sufferer, "Go your way, there is no clemency for you in this world!" To say to these wretched men: "It is true that your crimes are not very great, but you struck your fellow-being in a moment when passion, not malice, controlled your actions, and you must look to God and not to man for forgiveness."

It is difficult, indeed, to refuse to exercise the power, when we have it, to send joy and gladness to the hearts of those laboring under the deepest afflictions; to restore to an affectionate wife an erring husband, whom she still loves, or to a fond mother her wayward and reckless, though not vicious, son.

In conclusion, let me say, that if I have erred, it has been upon the side of mercy, and I am satisfied.

VETO POWER—CONCLUSION.

In the exercise of this power I have never allowed my personal or party feeling to control my actions. If I had pursued a different course (which, it seems, was expected in some quarters) I might have retained the friendship of many who are now arrayed against me, but I must have lost my own self-respect.

During the first session of the Legislature, a sense of public duty compelled me to veto some twenty bills which were sent to me for approval. Some of them had nothing to commend them other than that the parties who were to be the beneficiaries, were political or personal friends of the Executive. My past history ought to have been a sufficient guaranty that no such consideration could be allowed to influence me. Special legislation has been the great curse of this State. Upon looking over the laws which have been passed during my administration, notwithstanding the frequent use of the veto power, a large number of them were special or private.

During the session of 1858, of the laws enacted, one hundred and seventy-seven were special, seventy-eight private, and only eighty-four general.

In the session of 1859, two hundred and twelve were special, forty-nine private, and sixty-eight general.

This statement of itself, shows the reason why sessions of the Legislature are prolonged, and why the expenses of that department are necessarily so great.

The history of the State has abundantly proved that the legislative power had frequently been used to carry out the schemes of speculators, and put money in their pockets by plundering the public treasury. I saw the controlling influence which "lobby members" exercised over legislation, and against all these things I determined to make war without stopping to count the cost to me individually. I said in my Inaugural Address to the people: "I may injure myself, but the State shall not be shipwrecked during my administration, if I have the power to prevent it. It is far more important that I should be right, than that I should be praised, and therefore I will do what I conceive to be my duty, at all times, and under all circumstances, and leave the vindication of my character, if assailed, to my acts and to posterity."

If I have not retained the confidence of the honest masses who live by the sweat of their brow, and not by legislation, it is a matter of deep

regret. I am sure that I have endeavored to protect their interests against a class who have fattened by unwholesome legislation. At all events, I am contented to abide the judgment of posterity.

As has been already shown in this communication, there is now six hundred and sixty-two thousand eight hundred and seventy-six dollars and eighty-nine cents in the treasury, and it is quite probable, judging from the past, that schemes of every character and description will be devised to deplete it. The temptation is strong, and the inventive faculties of the *depletors* almost unlimited. I trust, however, that you, as the faithful representatives of the people, will take care that schemes calculated to advance private, rather than the public, interest, are frustrated. Whenever you find a strong lobby influence brought to bear in favor of a particular measure or claim, it will be well to give it your closest scrutiny before it receives your sanction. A greater portion of those laws which in past years embarrassed the treasury and seriously affected the public interests, were passed through the extraordinary efforts of lobby members.

It is exceedingly unfortunate that we have so many persons in this State who take but little interest in the administration of public affairs. This grows out of the fact, that a large number have come to seek their fortunes and then return again to their homes to enjoy them. Many, too, engaged in business, transmit their annual earnings to their families in the Atlantic States, and intend to depart as soon as a certain amount is realized. It cannot be expected that men thus situated care much about the present or future prosperity of the State. When our people bring their families here, settle down and look upon this as their future homes, we may expect more stability in public sentiment and a diminution in the influence of itinerating politicians.

He who expects to find the Executive chair an easy one will be sadly mistaken. It is difficult, indeed, in a community like ours, where so many duties are imposed upon the Governor, and where there are so many conflicting elements at work, to administer public affairs satisfactorily to the people. His efforts to promote the general good will not always be properly appreciated, and his motives will sometimes be misunderstood or misrepresented by the designing.

He has patronage to bestow, and this, in a community where applications for office are very numerous, is a fruitful source of difficulty. I have seen enough of public affairs to satisfy me that frequently when an officer devotes his whole energies to the correction of a public abuse of long standing, there is a large and influential class in society who at once charge that he is acting from personal and other than patriotic motives; in other words, that he is seeking to advance his private interest, instead of the public good. Indeed, there seems to be a great many men here who think that selfishness alone controls the action of public officers, and that there can be no such motive as a sincere desire to promote the prosperity and happiness of the people. The faithful officer, although his labors may not be appreciated by his fellow citizens, will have his reward in the conciousness of having honestly discharged his duty to his country.

But to me, the cares, troubles, and anxieties, of this office are over. They are to-day transferred to another, and I hope they may sit more lightly upon him than they have upon me. I trust, also, that he may be able to do more for the permanent interest of the State than I have accomplished during the past two years. That I have committed errors, is undoubtedly true, but I think they will prove of such a character as not to affect seriously the prosperity of the State.

I came into the executive office wholly unacquainted with its duties, and with but little knowledge of State affairs. I had been a greater portion of the six preceding years absent from the State, and during that time my mind had been absorbed in the exciting questions which were then being agitated upon a different theater. I do not, therefore, feel humiliated by the confession that I have committed errors. It is to be hoped, however, that the kindly feeling which the good people of California have always extended to me, will prompt them to throw the mantle of charity over them, and do me the justice to believe that I have served them to the best of my humble ability.

Allow me, in taking leave of you, the representatives of the people, to say that in the private walks of life, my constant prayer to the Giver of every good and perfect gift, will be for the peace, prosperity and happiness of our beloved State.

JOHN B. WELLER.

APPENDIX

TO

GOVERNOR'S MESSAGE.

STATEMENT

Showing a General Abstract of Assessments of Real and Personal Property from the Organization of the State Government to the present year, 1859, inclusive.

COUNTIES.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
Alameda	.....	.....	.....	3,472,837	4,383,179	3,558,860 00	2,599,751 00	3,020,836 00	3,020,836 00	3,020,836 00
Amador	.....	.....	.....	.....	1,038,443	.....	1,740,326 00	2,258,494 34	2,258,494 00	2,303,240 00
Butte	268,294	533,952	853,955	2,024,142	1,895,526	2,267,209 00	2,347,719 00	3,944,862 00	4,307,262 00	4,047,362 00
Calaveras	266,078	.....	808,450	2,129,966	.....	1,927,977 00	1,975,067 00	2,485,798 00	2,421,390 00	2,185,097 00
Colusa	.....	367,661	966,840	1,470,131	1,505,178	1,259,053 00	1,476,317 49	.....	.....	.....
Contra Costa	2,002,410	1,753,648	3,236,198	1,995,192	2,330,084	1,710,408 00	1,580,136 00	1,869,405 00	2,536,617 00	2,425,625 00
Del Norte	.....	.....	.....	.....	.....	.....	.....	507,165 00	519,151 00	647,093 00
El Dorado	572,410	697,651	1,831,801	3,660,369	3,278,324	2,530,488 00	3,018,398 00	3,129,518 00	2,817,699 00	2,817,699 00
Fresno	.....	.....	.....	.....	.....	.....	406,413 50	383,730 00	579,830 00	653,845 00
Humboldt	.....	.....	.....	.....	826,119	467,161 00	642,355 00	834,650 00	1,068,908 00	1,068,908 00
Klamath	.....	19,770	65,370	299,984	393,218	.....	.....	.....	.....	.....
Los Angeles	1,931,403	2,187,992	2,256,125	3,193,487	3,659,040	2,561,359 00	.....	.....	2,370,523 00	2,370,523 00
Marin	1,006,893	756,375	932,192	.....	.....	901,589 00	1,005,315 00	1,473,187 00	1,473,187 00	1,473,187 00
Mariposa	.....	160,435	1,216,557	1,681,422	1,676,583	1,262,987 00	1,931,647 00	2,037,589 00	1,185,762 00	1,246,210 00
Merced	.....	.....	.....	.....	.....	495,017 00	667,672 00	811,721 00	811,721 00	822,431 00
Monterey	3,631,213	1,638,308	1,546,920	1,607,168	1,763,787	1,189,875 00	1,800,182 00	881,188 00	1,066,234 00	1,066,234 00
Mendocino	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,641,671 75
Napa	918,164	803,140	1,289,048	1,527,902	1,404,206	2,125,615 00	2,015,205 00	2,255,401 00	3,015,911 00	3,281,489 00
Nevada	.....	686,080	956,925	.....	1,750,810	2,304,019 00	2,558,515 00	3,037,946 00	3,037,946 00	3,037,946 00
Placer	.....	304,192	1,365,985	1,196,975	1,551,757	1,804,089 00	2,173,362 87	2,226,236 38	2,226,236 00	2,998,219 00
Plumas	.....	.....	.....	.....	311,003	.....	.....	1,333,605 00	1,333,608 00	786,332 00
Sacramento	8,947,454	6,331,024	7,232,026	8,252,920	8,775,966	9,297,634 00	10,585,821 00	11,193,945 00	12,053,245 00	12,053,245 00
San Bernardino	.....	.....	.....	304,086	305,232	312,778 00	.....	.....	.....	.....
San Diego	396,810	820,811	424,637	.....	699,859	.....	.....	.....	.....	528,130 87
San Francisco	21,621,184	17,794,711	18,481,737	32,377,893	35,796,475	32,841,027 76	30,368,254 00	39,706,105 00	30,725,950 00	33,777,075 00
San Joaquin	1,821,489	1,715,189	2,813,404	4,943,891	4,174,708	4,064,470 00	3,814,968 00	4,102,815 00	5,019,295 00	5,251,248 00
San Luis Obispo	577,618	460,530	512,324	421,750	516,441	380,228 00	498,476 11	666,870 50	649,882 00	1,030,352 75
San Mateo	.....	.....	.....	.....	.....	.....	1,320,333 00	1,385,217 60	1,432,161 00	1,490,407 00
Santa Barbara	992,676	821,000	989,686	1,136,654	952,065	837,035 00	.....	1,024,643 00	1,090,442 00	1,090,442 00
Santa Clara	4,883,295	2,934,183	3,292,153	4,428,976	6,582,062	5,443,780 00	5,771,417 00	4,504,328 00	5,131,582 00	5,131,582 00
Santa Cruz	.....	1,184,821	1,095,094	1,085,400	1,470,878	1,004,971 00	1,148,249 00	.....	.....	1,139,649 87
Shasta	.....	497,025	645,545	968,584	1,064,362	1,658,401 00	1,866,470 00	1,986,864 00	1,986,864 00	1,986,864 00
Sierra	.....	.....	657,976	777,784	1,389,042	.....	.....	2,218,026 00	2,375,932 00	2,184,576 00
Siskiyou	.....	.....	478,988	917,190	1,126,763	2,218,481 00	.....	2,801,370 00	2,801,370 00	2,486,838 00

Solano	2,709,246	1,178,756	2,896,795	3,851,048	4,580,498	2,794,372 00	.....	2,502,432 00	2,502,432 00	2,502,432 00
Sonoma	1,187,672	1,627,572	1,657,091	2,880,309	4,098,630	3,941,173 00	.....	4,346,320 00	4,346,320 00	5,048,299 75
Stanislaus	.....	.....	.....	.....	577,973	642,988 00	642,422 00	665,182 00	736,662 00	736,662 00
Sutter	1,292,618	741,732	617,894	755,304	1,243,148	1,703,647 00	1,817,104 00	1,536,716 00	2,104,501 00	2,308,908 00
Tehama	.....	.....	.....	.....	.....	.....	1,004,075 00	1,741,331 00	1,939,092 00	1,620,343 00
Trinity	.....	215,812	233,873	526,615	477,055	642,077 50	.....	1,231,056 00	1,320,901 00	1,134,905 00
Tulare	.....	.....	.....	199,914	193,137	.....	.....	488,821 00	796,978 00	796,978 00
Tuolumne	.....	504,927	1,620,911	2,374,861	2,463,986	2,423,510 00	2,564,318 00	2,894,950 00	3,073,578 00	2,712,280 00
Yolo	269,702	599,343	1,321,969	1,177,625	1,990,576	2,205,610 00	.....	2,235,650 00	2,235,650 00	2,273,388 00
Yuba	2,374,060	1,894,412	2,280,906	3,695,267	4,945,517	5,109,804 00	5,667,152 00	6,335,488 00	5,581,725 00	5,881,725 00
Totals	$57,670,689	$49,231,052	$64,588,375	$95,335,646	$111,191,600	$103,897,193 55	$95,007,440 97	$125,859,461 82	$123,955,877 00	$131,060,279 49

LIST OF PARDONS,

Granted by Governor John B. Weller for the year 1859.

Date of Application.	Name of Convict.	Crime.	Co. whence sent.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 26, 1859..	William Wallace .	Murder in second degree...	Yuba	10 years...	That circumstances have occurred since his trial, that tend to establish the innocence of the crime.	W. T. Barbour, District Judge; T. L. Hatch, District Attorney; Mat. Woods, Sheriff; J. B. Kyle, Deputy Sheriff; G. A. King, T. W. Jerome.

DECISION.—In this case, the District Judge before whom he was tried, has filed an affidavit expressing the firm belief that the person is entirely innocent of any crime, and the District Attorney who prosecuted, and nearly every member of the bar in Marysville, and also the jury who tried him, say that recent circumstances have satisfied them of his innocence. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.		
Feb. 15, 1859..	A. Hohenshell....	Manslaughter ..	.....	.....		Paper mislaid.

DECISION.—This man was convicted of manslaughter, and sentenced to imprisonment for two and a half years; since his conviction he has become entirely blind, as two eminent physicians certify. He has a wife and three children, and proves an excellent character up to the commission of this crime. The District Judge who tried the case, the District Attorney who prosecuted, eight of the jurors who passed upon it, the county officers, and some five hundred citizens, including a large majority of the respectable men of Stockton, have recommended a pardon. Let him be discharged.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 17, 1859..	M. Robinson.....	Gambling	Tuolumne..	1 year...	That the punishment is a great deal too great for the offense, and that said M. Robinson has already been punished sufficiently to satisfy the requirements of justice; that, heretofore, he was always known as an honest, industrious young man. He was not a professional gambler, but when caught in the act, was merely dealing cards, temporarily, for another.	

DECISION.—This is the case of a young man of twenty-one years, who was convicted of gambling, and sentenced to the State Prison for one year. He has been imprisoned nearly four months. It is represented to me by a majority of the jury who convicted, the District Attorney who prosecuted, the Associate Justice before whom the trial was had, the county officers in Tuolumne, and the Senators and Representatives in the General Assembly from that county, together with some one hundred of the most respectable citizens of Sonora, that he is not a gambler by profession; that he had always sustained the character of a hard working, industrious young man; that when caught gambling, he was only dealing the game, temporarily, for another, and had no interest whatever in the game. Four months in the State Prison is certainly punishment enough for a crime of this character. *Let him be pardoned.*

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 21, 1859..	Felix Gallardo....	Assault with intent to do bodily injury.....	Los Angeles	1 year....	That the conviction in this case was had during a period of unusual excitement in San Francisco; that from the evidence of the surgeon, who testified at the trial, the wound was not necessarily mortal, and the previous good character of the prisoner.	John O'Meara, Edward Pollock, Jas. R. Travers, H. A. Cobb, Matthew Keller, H. M. Alexander, N. A. Potter, K. H. Dimmick, David Honey, John Page, I. Wheeler, A. H. Peterson, John King, Thos. D. Mott, J. H. Smith, John Foster, Henry Hancock, J. C. Welch, Alex. Bell, and many others.

DECISION.—In consideration of the previous good character of this man, which is vouched for by three hundred citizens of Los Angeles County, the destitute condition of his family, and the strong recommendation of all the officers in charge of the prison, the remaining ten months of his sentence will be remitted.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
February 22..	Gearard M. Jones.	Murder in second degree...	Mariposa...	20 years..	That the circumstances of the killing of Ogg by Jones were substantially as follows: For more than a year previous to the fatal affray, there had been frequent difficulties between the parties. That Ogg was a man about thirty years of age, reckless and dangerous, and often drinking, and when drinking ever ready to engage in any difficulty, perfectly devoid of any regard for his own, or the lives of others. That Ogg had often threatened to take the life of Jones, and had frequently endeavored to draw Jones into a difficulty with him. That on the night of the difficulty, the affray commenced by some high words between the parties, which grew more and more severe until Jones fired at Ogg and killed him, when Ogg was about to seize his pistol, which was near the counter of the stand where the difficulty happened. That Jones was prompted to commit the act by feelings of self-preservation, and acted *bona fide* under the conviction that his life was in imminent peril, and not from a design to commit a wanton onslaught; That the known character of Ogg, his recent threats against Jones' life, together with their attempting to seize his pistol, aroused the fears of Jones for his own life, and caused him to commit the act for which he was indicted.	The Members of the Legislature from Mariposa County, and a large number of citizens.

DECISION.—This man was convicted of murder in the second degree and sentenced to imprisonment for twenty years. His previous character was good. There were circumstances connected with the case tending to show that he was acting in self-defense. The District Judge who tried him, the District Attorney who prosecuted, the County Judges, the Senators and Assemblymen, the Sheriff, and all the other officers of Mariposa County, together with some one thousand citizens, have strongly implored Executive clemency. Let him be pardoned, on condition that he be placed in the custody of his brother, J. Y. Jones, and sent out of the State within twenty days, and that he never again return. A bond in the penal sum of three thousand dollars must be given to the State conditioned for his removal before *he is discharged.*

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
March 1, 1859.	Nicanora Romero.				That he was only nineteen years of age when the crime was committed, and has been imprisoned nearly three years, and during that time his conduct has been such as to gain the confidence of the officers at the prison.	Captain Pease of the revenue-cutter Marcy, and officers of prison.

DECISION.—This man was convicted of highway robbery in June, 1856, and sentenced to imprisonment for ten years. He has now been confined nearly three. In consequence of his extreme youth (nineteen years) when the crime was committted, and his exemplary conduct since, he will be pardoned, on condition that he be placed on board the revenue cutter, Gov. Marcy, in charge of Captain Pease, and that he never land in this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
March 9, 1859.	Jose Antonio Vea.				That he is a native Californian, and wholly ignorant of our laws. The amount stolen was small, and that he plead guilty and made no defense. At that time, 1852, a good deal of animosity existed against the prisoner in the county, and no doubt contributed a good deal to the severity of his sentence. He has so conducted himself in the prison that he has won the good-will and sympathy of all of the officers of that institution.	J. H. Haralson, District Attorney, Marin County; R. B. Frink, County Judge; V. D. Doub, Sheriff; U. T. Parker; Daniel Taylor, Clerk; S. B. Harris, A. Barney, W. Skidmore, A. W. Taliaferro, Hervy Howe, and one hundred and fifty others.

DECISION.—This man is a native of California, ignorant and wholly unacquainted with our laws. He was convicted of stealing horses, and has now been in prison six and a half years. His conduct, the officers of the prison certify, has been good. The County Judge, and all the other officials of Marin County, together with the Senator and Assemblymen from Marin and Los Angeles counties, and some one hundred and fifty citizens, have recommended a pardon. Believing his punishment has been enough for this crime, he will be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
March 26, 1859	Lewis Mahoney...	Grand Larceny.	Santa Clara.	5 years....	That his testimony is necessary in four cases.	Sheriff of Sonoma County.

DECISION.—Let a pardon issue for Lewis Mahoney an escaped convict, on the ground that his testimony is necessary in four important cases. He is pardoned on condition that a violation of the criminal laws of the State shall operate as a forfeiture.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 5, 1859..	William Wilson...	Murder in second degree...	San Fran'co	20 years...	That the conviction in this case was had during a period of unusual excitement in San Francisco; that from the evidence of the surgeon who testified at the trial, the wound was not necessarily mortal; and the previous good character of the prisoner.	Jno. O'Meara, Edw'd Pollock, James R. Travers, H. A. Cobb, Ezekiel Wilson, E. L. B. Brooks, Orrin Bailey, Harvey Lake, J. Martin Reese, James McGinn, William Farley, Geo. B. Bidleman, Robert J. Tobin, Chas. S. Biden, and others.

DECISION.—This man was convicted in June, 1856, at San Francisco, during a period of extraordinary excitement, and sentenced to imprisonment for twenty years. An eminent surgeon testifies that the colored man who was killed, died from mal-practice, and that the wound was not a dangerous one. A careful examination of the evidence satisfies me that it was at most a case of manslaughter, and as his character previous to the commission of the offense was good, he will be pardoned on condition that a violation of the criminal laws of the State shall operate as a forfeiture.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 11, 1859.	Henry C. Fitch...	Grand Larceny.	Sierra.....	1 year....	That he has been imprisoned six months; that the offense was, under the statute, technically, larceny only, and his previous irreproachable character.	A. T. Langton, Wm. M. Stewart, H. B. Coratt, Will Campbell, Homer King, J. R. Plunkett, Lewis Bartlett, and thirty-four others.

DECISION.—In this case it affords me pleasure to interpose Executive clemency. His crime was, under the statute, larceny. His relation who had employed him, endeavored to cheat him out of his wages, and he took a watch to pay himself. He proves that he had always previous to this act sustained an irreproachable character, and has in the Atlantic States an excellent family. A large number of citizens in Sierra County, including the District Attorney, have solicited a pardon. He will be pardoned on condition that a violation of any of the criminal laws of the State shall operate as a forfeiture.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 12, 1859.	Ed. McLaughlin..	Felony	Sonoma	6 years....		Uriah Edwards, J. H. Siddins, Thos. Rochford, and two hundred other citizens of Sonoma County.

DECISION.—The circumstances connected with this case leave an impression on my mind that this man was acting in self-defense, and as his previous character was excellent, and he has a family dependent on his labor for support, the remainder of his term, three months, will be remitted.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 15, 1859.	R. H. Meacham...	Assault with intent to commit murder	Butte	.....	That when the crime was committed he was wholly under the influence of liquor, and was entirely unconscious of the act he was perpetrating; that he is a young man, and has ever borne an irreproachable character; that he was never known to indulge in alcoholic drinks during five years he has resided in California, until at the time the difficulty took place.	Thos. Wells, County Judge; Jno. S. Berry, Associate Justice; C. G. Lincoln, Associate Justice; Jos. H. Kimnell, L. Barwell, S. W. McConghey, F. M. Smith, P. Maguire, James G. Howard, T. E. Heges, Deputy Sheriff, Jared Forbes, A. G. Simpson, H. W. Bordwell, Thos. T. Miller, J. W. Mason, J. S. Dickey, L. W. Tiffany, E. L. Montgomery, J. S. Long, R. P. Fentoy, J. Murphy, Deputy County Clerk, D. W. Cheesman, Wm. J. Burnside, John F. Kimmers, County Recorder, Lewis C. Granger, Philip Farrelly, Jas. O'Brien, J. P. Ripley, Owen Murphy, and forty-five others.

DECISION.—This is the case of a young man of excellent character, not addicted to the use of alcoholic drink, becoming intoxicated at a party, and stabbing a man with whom he had no quarrel or previous difficulty. It is represented to me by the County Judge, Associate Justices, Sheriff, and other county officials, together with a large number of other respectable citizens, that he was wholly unconscious of his acts. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 14, 1859.	James F. Morse..	Grand Larceny.	San Franc'o	5 years...		A. W. Talliaferro, W. R. J. MacKay, Henry Morgan, Henry R. Johnson, G. D. Hall, John Hume, J. Carpenter, Westmoreland, John White, Henry M. Fiske, J. M. Carrubius, S. M. Johnson, S. A. Merritt, J. W. Coffroth, W. J. Ferguson, R. M. Anderson, J. M. Estell, and sixty-three others.

DECISION.—This man was sentenced to imprisonment for five years. He has now been confined four and a half years, and the surgeon and physician of the prison reports to me that his health is very bad, and that he will die if longer confined. As his general conduct has been good, let him be pardoned, on condition that if he violates any of the criminal laws of the State, it shall be forfeited.

Date.	Name.	Crime.	County.	Sentence.
May 16, 1859.	Washing'n Dillon	Robbery	Napa.....	10 years...

DECISION.—This man was placed on board a vessel and sent out of the State. The papers in this case have been misplaced.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 16, 1859.	Charles Blair.....	Murder, commuted to imprisonment for life	Shasta	Life	Serious doubts as to his guilt.	The Surveyor of Siskiyou County, and a large number of citizens. Also, a memorial from some forty members of the Ohio Legislature.

DECISION.—Circumstances have occurred since his conviction which leave a strong doubt as to his guilt. With the hope that he may reform, he will be placed in the hands of his friends, and by them taken out of the State, and never return.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
June 1, 1859..	Louis Goldburg..	Manslaughter ..	Nevada	2 years....		Niles Searls, James Churchman, S.W. Boring, Henry Meredith, J. B. Vanhagen, Geo. A. Young, J. J. Caldwell, and nineteen others.

DECISION.—This man was convicted of manslaughter, and has served out one-half of his time. The District Judge before whom he was tried, and the Attorney who prosecuted, with the Sheriff, and other county officials, and a large number of respectabie citizens, have strongly urged a pardon. A careful review of the circumstances connected with the homicide satisfies me that he has already been sufficiently punished. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 12, 1859..	Lewis Strelitz....	Assault with intent to kill...	Sacramento.	5 years....	That the evidence on which he was convicted, was entirely circumstantial, and that he has an aged mother residing in New York, who is dependent upon him for support.	Charles Newman, Solomon Nathan, and four hundred other citizens of Sacramento County.

DECISION.—Some additional evidence having been obtained since his conviction calculated to produce a doubt as to his guilt, he will be pardoned on condition that he be placed on a steamship at San Francisco bound for some port beyond the State, and that he never return to California. Until a vessel is ready to sail he will remain in the prison.

Date.	Name.	Crime.	County.	Sentence.
Aug. 1, 1859..	David Renton*...	Grand larceny..	Sacramento.	5 years....

DECISION.—This man was convicted of grand larceny, and sentenced to five years' imprisonment. He has already been imprisoned more than two years, during which time he has served faithfully and been very useful at the prison. He will be pardoned on condition that he be placed in the custody of James Henry Ramsey, and that he leave on the steamer bound for Panama, on the fifth of August, and that he never return to this State.

* Returned to State, re-arrested and imprisened again.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Aug. 15, 1859.	Henry Plummer..	Murder, second degree	Yuba	10 years...		J. R. McConnell, Phil. Moore, J. M. Dawley, E. W. Smith, and one hundred other citizens of Nevada Co.
	DECISION.—The Physician and Superintendent Surgeon of the State Prison having certified that this convict is in imminent danger of death from consumption, in accordance with section four of "An Act prescribing the manner of applying for pardons," he will be released from imprisonment.					
Date.	Name.	Crime.	County.	Sentence.		
Aug. 15, 1859.	Nathan'l Green...	Grand larceny..	Placer	10 years...		Horace Smith, J. P. Hardy, Wm. S. Long, James L. English, John Heard, and two hundred others.
	DECISION.—This man has been imprisoned three years on conviction of grand larceny. In consideration of his youth, and some extenuating circumstances connected with the crime, he will be pardoned, on condition that he be placed in the custody of his brother, —— Green, and that he be conveyed at once beyond the State, and never return within its limits.					
Date.	Name.	Crime.	County.	Sentence.		
Sept. 8, 1859..	C. J. Farley	Passing counterfeit money...	Sutter.....	10 years...		W. Bidwell, and one hundred other citizens of Sutter and Yuba counties.
	DECISION.—This man having served two and a half years, and behaved himself with propriety, in consideration of his previous good character, and the present helpless condition of his family, will be pardoned on condition that if he violates any of the criminal laws of the State, the pardon will be forfeited.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Sept. 15, 1859.	James Adair.....	Grand larceny..	Butte	1 year.....		A. S. Hart, Wm. H. Rhodes, J. M. Burt, and one hundred and seventy-five other citizens of Butte County.

DECISION.—Executive clemency is recommended in this case by all the county officials, including the Judge before whom he was tried, and the District Attorney who prosecuted, and a number of the most respectable citizens of Butte. In consideration of his youth, (seventeen years) and the hope that he can be reformed, he will be pardoned on condition that he be placed in the custody of his uncle, Thomas Charnel, and sent within twenty-five days from this date to his parents in Ohio, and that he never return to this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Sept. 15, 1859.	Jno. W. Cotton...	Grand larceny..	San Franc'o	8 years....		Capt. Gordon, and twenty-three officers and employes of the prison.

DECISION.—A pardon is recommended by the County Judge before whom he was tried, and the District Attorney who prosecuted, and all the officers of the prison, who testify to his good conduct. He has now been imprisoned three and a half years. Deeming this punishment sufficient, he will be pardoned on condition that he be placed in the custody of Capt. Geo. W. Simpton, and that he leave the State within twenty days from the date hereof, and that he never return.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Sept. 26, 1859.	John McCabe....	Murder in second degree...	Nevada	10 years....		A Solomon, O. J. Payne, and two hundred and fifty other citizens of Nevada County.
	DECISION.—This man was convicted of murder in the second degree, and has been imprisoned one year. The District Judge before whom he was tried, and the District Attorney who prosecuted, together with a large number of the most respectable citizens of Nevada, have recommended a pardon. An examination of the circumstances connected with the homicide, satisfies me that he is a proper subject for Executive clemency. Therefore, he will be pardoned.					
Date.	Name.	Crime.	County.	Sentence.		
Oct. 13, 1859..	Samuel White....	Grand Larceny.	Mariposa...	10 years...		E. Burk, District Judge; William A. Gerard, County Clerk; S. A. Merritt, and many other citizens of Mariposa County.
	DECISION.—It is represented to be by the Surgeon of the prison that this man is laboring under a disease which must prove fatal unless he is speedily released. He will be pardoned.					
Date.	Name.	Crime.	County.	Sentence.		
Oct. 13, 1859..	W. C. Sanbroke ..	Grand Larceny.	San Franc'o	3 years....	Pardoned on the certificate of the Surgeon of the Prison.	
	DECISION.—This man was accidentally wounded by one of the Guard, and it is represented to me by the Surgeon of the prison that his wound will terminate fatally unless he is released from confinement. He will be pardoned on condition that a violation of any of the criminal laws of the State shall operate as a forfeiture.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Oct. 13, 1859..	Frank Perkins....	Grand larceny..	Calaveras ..	6 years....	Pardoned on the certificate of the Surgeon of the prison.	

DECISION.—This man was accidently wounded by one of the Guard, and is represented to me by the Surgeon of the prison that his wound will terminate fatally unless he is released from confinement. He will be pardoned on condition that a violation of any of the criminal laws of the State, shall operate as a forfeiture.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Oct. 14, 1859..	Carlos Estrado...	Rape	Calaveras ..	5 years....	On certificate of the Surgeon of the prison.	

DECISION.—In this case the Surgeon of the prison certifies that the convict is afflicted with the consumption and a scrofulous disease, and in imminent danger of death. He will be pardoned, and placed in the hands of his friends.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Oct. 14, 1859..	Geo. Gilman.....	Murder in second degree...	San Franc'o	10 years...		Chas. Doane, Sheriff; the District Attorney, twelve trial jurors, and forty other citizens of San Francisco.

DECISION.—The previous good character of the convict; the peculiar circumstances under which the homicide was committed; the unfortunate condition of his two little children; the high standing of the gentlemen who have invoked Executive clemency have induced me to pardon him. A pardon will therefore issue.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Oct 19, 1859..	William Roberts..	Manslaughter ..	San Franc'o	6 years....		Joseph Walkup, Lieutenant-Governer, and five hundred other good citizens of Placer County.

DECISION.—This application is based upon the grounds that the connection of this man with the homicide was of such a character that he ought not to have been convicted; that one much more to blame was tried after the excitement passed off and acquitted. The petition is presented by the Lieutenant-Governor, and is signed by the County Judge, the District Attorney, the Sheriff, and other county officials, together with some eight hundred citizens of Placer County. Believing he has been punished sufficiently, he will be pardoned on condition that if he violates any of the criminal laws of the State this pardon shall be forfeited.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Oct. 27, 1859..	Stephen Blake....	Grand larceny..	San Franc'o	7 yrs 10 mos		John F. McCauley, Jno. Simms, and five other officers of the prison.

DECISION—This man has been imprisoned nearly five years. As his previous character seems to have been good, and as he has conducted himself well since his imprisonment, he will be pardoned on condition that he be put in the custody of Herman Cordes, and by him placed on board some vessel bound for a foreign port, and that he never return to this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 2, 1859..	Henry Hayes.....	Grand larceny..	Tuolumne..	7 years....	Upon the certificate of the Prison Physician.	

DECISION.—This man was twenty years old when sent to the prison for grand larceny. He has been confined more than five years. The Physician of the prison reports that "he is suffering from chronic pleura-pneumonia with a periodical effusion which will undoubtedly cause his death unless he is speedily released." Let him be discharged.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 18, 1859.	David Dunn, alias David C. Dunn.	Grand larceny..	Sacramento.	14 years...		

DECISION.—This convict is quite a young man, and the probability is that he will be hopelessly ruined unless his relatives who reside in the East, and who are said to be highly respectable, can reclaim him. He will be pardoned upon the express condition that he be placed in the custody of Luke B. Richardson, and by him placed on board of the steamship bound for Panama on the 20th inst., and that he never return to this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 19, 1859.	James C. Glenn..	Manslaughter ..	San Joaquin	2 yrs 6 mos.		Chas. A. Hart, County Judge of Frezno County; James Styles; Wm. A. Scott, Sheriff Frezno County, and six hundred other citizens of San Joaquin and Frezno counties.

DECISION.—This man was convicted of manslaughter, and about one thousand, citizens claiming to be familiar with the facts connected with the homicide, says that the circumstances under which the act was committed, induce them to believe that it was justifiable. A majority of the jury who convicted, recommend a pardon. As his previous character appears to have been that of a quiet and peaceable citizen, and as I believe that he has been sufficiently punished, he will be pardoned on condition that a conviction of violating any of the criminal laws of this State shall operate as a forfeiture.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 30, 1859.	John Hogan.....	Grand larceny..	.....	1 year.....		Robert Robinson, District Judge; Clerk, District Attorney, and sixteen grand jurors of Sacramento County.

DECISION.—This man was convicted of grand larceny, upon a plea of guilty, and sentenced to imprisonment for one year. It is represented to me by the Grand Jury, the County Judge, and District Attorney, that he is a young man, and this his first offense; that his confession enabled the prosecuting witness to obtain his money, and that by his testimony alone an old offender now under indictment can be brought to punishment. Upon this statement of facts he will be pardoned on condition that a violation of any of the criminal laws of this State shall operate as a forfeiture.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 1, 1859..	Henry Baker.....	Assault with a deadly weapon	.....	.....		J. T. Landum, County Judge; Edw. R. Sheel, Associate; Erastus Dickenson, Associate; Jas. D. Wing, District Attorney; Jno. Anderson, Clerk; Jno. Tallinsleu, Sheriff; twelve Trial Jurymen, eight Grand Jurors, and thirty other citizens of Shasta County.

DECISION.—This man was convicted of an assault with a deadly weapon and sentenced to pay a fine of two hundred and fifty dollars, or be imprisoned three months. He is a soldier of the United States Army, and has no friends to pay the fine. The Judges who tried the case, the District Attorney who prosecuted, the Grand Jury, and the Trial Jury, together with a number of the most respectable citizens of Shasta, recommend a pardon. As he has been imprisoned three months, let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 2, 1859..	Samuel Held.....	Grand larceny..	Sacramento.	7 years....		M. Frank, J. Benjamin, and seventy other citizens of Sacramento County.

DECISION.—This man was convicted of grand larceny, and has been imprisoned more than four years. His previous character was good, and his relatives in New York are said to be highly respectable. With the hope that they may be able to reform him, he will be pardoned, and placed in the custody of his brother, — Held, and by him transported to New York by the steamship of the 5th inst., and that he never return to this State.

Date.	Name.	Crime.	County.	Sentence.		
Dec. 8, 1859..	Robert McClair..	Assault with intent to commit murder..	Sacramento.	10 years...		British Consul at San Francisco, Mr. Drummond, and others of Sacramento.

DECISION.—This man has been imprisoned more than four years for assault with intent to kill. His previous character was good. With a view to return him to his relatives in Scotland, he will be pardoned upon condition that he be taken by the Consul, or Acting Consul, of the British Government at San Francisco, and placed by him on board the British vessel "Brumley Moore," about to sail, and that he never return to this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 12, 1859..	John Cahill.....	Grand larceny..	Calaveras ..	7 years....		Judge Eno of Calaveras, who sentenced him.
	DECISION.—This man has been imprisoned six years and one half (6 1-2), on a charge of grand larceny. The County Judge says that in consequence of the frequency of crimes in Calaveras County at the time of his conviction, he was sentenced for a very long term in order to make an example. He thinks that he ought to have been pardoned long since. Concurring with the Judge that he has been punished sufficiently, he will be pardoned on condition that if he violates any of the criminal laws of the State, it shall operate as a forfeiture.					
Date.	Name.	Crime.	County.	Sentence.		
Dec. 16, 1859..	Valentine Ritchie.	Murder in second degree...	San Franc'o.	15 years...		B. F. Washington, Geo. Pen Johnston, J. Berry, B. F. Bradley, and James Anderson, Senators; Joseph Walkup, Lieut.-Governor; Jno. C. Gordon, and twelve officers of the prison.
	DECISION.—This man was convicted of murder in the second degree, and has been imprisoned a little over two years. There were many extenuating circumstances connected with the homicide, and but for the local excitement which prevailed at the time of his conviction, upon the testimony in the case, his crime was at most, manslaughter. As his previous character was good he will be pardoned on condition that he be taken from the prison by Captain Frank Hardy, and by him placed on the steamship bound for Panama, which sails on the 20th inst., and that he never return to this State.					

PARDONS FROM COUNTY JAILS, BY GOV. JOHN B. WELLER.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 5, 1859...	Manuel Cruz.....	Petit Larceny ..	San Franc'o.	10 months.	That said Cruz is quite young, and if guilty of the offense imputed to him, was the victim or dupe of an old offender, who was shrewd enough to avoid detection and punishment, and we submit that the ends of justice would be subserved if your Excellency would pardon and remit the residue of his punishment, and his friends are desirous of taking him out of the State.	N. Pierce, Ormer & Co., Cornelius McCaulley, F. Murray, Thomas Dublin, Jno. Foster, R. H. Owens, J. W. Owens, H. Elsworth, and ten others.

DECISION.—This boy is now confined in the County Jail on two charges of petit larceny: one for six and the other for four months. His friends are desirous to send him to Mexico, and they have executed a bond, in the sum of one thousand dollars, that he never will return to California. Let a pardon issue upon the express condition that he be placed on board a vessel bound for some Mexican port, and that he never return.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 20, 1859..	Frederick Keefe..	.....	.....	.....	That prior to the commission of this offense he was an honest and industrious man; that his wife was influenced by others to prosecute him, which she now regrets, and is anxious for his liberation.	

DECISION.—This man was convicted of an assault upon his wife, and sentenced to imprisonment on the brig for two hundred and sixty days; he has now been confined forty-two days, and his wife, and a large number of respectable citizens, have solicited a pardon, on condition that he leave the county of Sacramento immediately, and his return within a year will operate as a forfeiture. A conviction of violating any of the criminal laws of the State, shall operate as a forfeiture of the pardon.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 20, 1859..	Charles Fernanto.	Assault with deadly weapon	Alameda ...	$500 fine...	That the weapon with which the assault was made, was an ordinary penknife, and that the fine (five hundred dollars) is excessive; that he is poor, and suffering very much from rheumatism, and that confinement will endanger his life.	

DECISION.—This man was convicted of an assault with a deadly weapon, (an ordinary pen-knife,) and was fined five hundred dollars, in case of failure to pay, to be committed. The District Attorney who prosecuted, and a large number of respectable citizens familiar with the facts, represent that he is poor, and suffering very much from rheumatism, and that confinement will endanger his life. The fine is regarded by all as excessive. Let him be pardoned, on condition that all the costs of prosecution are paid, and that he never again violate any of the criminal laws of this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 10, 1859.	John Hebel.....	Petit Larceny...	Siskiyou ...	6 months & $500 fine.	That his conduct heretofore has been above suspicion, and at the time the larceny was committed, he was in a state of intoxication.	A. M. Roseborrough, County Judge; Eli H. Stone, District Attorney; Robt. S. Greene, Assistant Justice; F. A. Rodgers, County Clerk; Jonas W. Brown; E. K. Phipps, County Treasurer; G. M. Pierson, Associate Justice Court of Sessions, J. Berry, and Jno. Crosby.

DECISION.—This man was convicted of petit larceny, and sentenced to imprisonment in the jail of Siskiyou County for six months, and pay a fine of five hundred dollars. The County Judge, District Attorney, Sheriff, and other officials, together with a large number of citizens, have recommended a pardon, on the grounds of his previous good character, and being intoxicated at the time the larceny was perpetrated. A pardon will issue to remit the fine, but he must serve out his full term of six months in the prison.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
March 23, 1859	Robert Lindsay...	Assault with intent to do bodily harm.....	Sacramento.	150 days and $300 fine.	That he served four months awaiting his trial, previous good character, and his utter inability to pay his fine.	W. S. Manlove, D. W. Welty, I. N. Bingay, Jno. Q. Brown, and sixty-six others.

DECISION.—This man was sentenced on the 4th of February, to pay a fine of three hundred dollars, or stand committed for one hundred and fifty days. His crime is an assault with intent to do bodily harm. It is represented to me by a large number of the most respectable citizens of the county, that he had been confined awaiting trial, some four months; that his previous character was good, and that he is unable to pay the fine. Let the penalty be remitted.

Date.	Name.	Crime.	County.	Sentence.
March 28, 1859	Edw. H. Nolan...	Illegal voting...	San Franc'o	$300 fine...

DECISION.—Remitted the fine of three hundred dollars against Edward H. Nolan of San Francisco for illegal voting, upon condition that he pay the costs of trial.

Date.	Name.	Crime.	County.	Sentence.	
April 20, 1859	McKinley and wife	Petit Larceny...	.....	30 days and $60 fine..	Having served out one-half of the term, and being wholly unable to pay the fine.

DECISION.—This man and his wife were, at the same time, sentenced to pay a fine of sixty dollars, or be imprisoned in the County Jail thirty days. Half the term was served out, and being wholly unable to pay the fine, the same is remitted.

RESTORATIONS TO CITIZENSHIP,

By Governor John B. Weller for the year 1859.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 20, 1859..	A. B. Gilman.....	Manslaughter ..	Solano	3 years.....		E. H. Pomeroy, Chas. W. Robinson, Jno. Simms, Jas. O'Connell, John Davis, Jno. Martin, and thirty other officers and employes at State Prison.
	DECISION.—Having received satisfactory evidence of the good conduct of this man during the whole period of his imprisonment, will at the expiration of his sentence be restored to citizenship.					
Date.	Name.	Crime.	County.	Sentence.		
Feb. 10, 1859..	E. L. Martin.....	.....	.....	.....	That he has faithfully served out his term of servitude, and during his confinement behaved with good propriety.	G. H. Harrison, E. Clark, A. W. Taliaferro, and Jno. Morton.
	DECISION.—This man having conducted himself with great propriety during his imprisonment, will at the expiration of his sentence be restored to citizenship.					
Date.	Name.	Crime.	County.	Sentence.		
Feb. 10, 1859..	Mathew Stakes...	.....	.....	.....	That he has faithfully served out his term of sentence, and during his imprisonment his conduct was very good.	G. Simpton, A. W. Taliaferro, and Jno. Kelly.
	DECISION.—Upon the certificate of the officers of the prison that this man has behaved well during his imprisonment, he will at the expiration of his sentence, be restored to citizenship.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 10, 1859..	T. Alberts.....	.....	.....	.....	He has faithfully served out his term of sentence, and during his term of imprisonment his conduct was very good.	John C. Gordon, Joseph Walkup, Lieut.-Governor.

DECISION.—This man having produced satisfactory evidence of his good conduct at the prison, will at the expiration of his sentence be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 28, 1859..	Jno. Parker.....	.....	.....	.....	Has served out his term of sentence, and during his imprisonment has behaved himself with great propriety.	Jno. C. Gordon, H. Bristol, Chas. W. Robinson, J. W. Sandford, G. B. Gordon, and Jno. Morton.

DECISION.—This man having served out his term and gained the confidence of all the officers of the prison, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 28, 1859..	J. H. Phillips....	.....	.....	.....	Has served out his term of sentence, and during his imprisonment has behaved himself with great propriety.	Jno. C. Gordon, H. Bristol, Chas. W. Robinson, J. W. Sandford, G. B. Gordon, and Jno. Morton.

DECISION.—This man having served out his full term, and gained the confidence of all the officers of the prison, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 28, 1859..	Chas. Sandford...	Grand larceny..	San Fran'co	1 year.....	Good behavior during imprisonment.	Jno. C. Gordon, Thos. Kelly, H. Bristol.

DECISION.—This man having behaved well during his imprisonment, and given evidence of a disposition to reform, will at the expiration of his sentence be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 28, 1859.	Jno. Gallagher....	Manslaughter ..	Placer	3 years....	Served his term, and with great propriety.	Jno. C. Gordon, Thos. H. Kelly, H. Bristol.
	DECISION.—This man having behaved well during his imprisonment, will at the expiration of his sentence be restored to citizenship.					
Date.	Name.	Crime.	County.	Sentence.		
June 1, 1859..	Sophia McLaughlin or Bishop...	Assault with intent to murder	San Franc'o	1 year.....		M. C. Blake, E. D. Baker, H. S. Brown.
	DECISION.—In consideration of her sex, she will be restored to citizenship at the expiration of her sentence.					
Date.	Name.	Crime.	County.	Sentence.		
June 24, 1859.	Adam Michael....	Manslaughter ..	Amador....	3 years....	Good behavior during imprisonment.	
	DECISION.—This man having served out his term of imprisonment, and conducted himself in such a manner as to gain the confidence and respect of the officers of the prison, will be restored to citizenship.					
Date.	Name.	Crime.	County.	Sentence.		
July 5, 1859...	James Barry.....	Grand larceny..	Santa Clara.	1 year.....	Good behavior during imprisonment.	
	DECISION.—This man having served out his full term, and conducted himself well during his imprisonment, will be restored to citizenship.					

COMMUTATIONS FROM DEATH TO IMPRISONMENT FOR LIFE,

By Governor John B. Weller.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 5, 1859...	Jno. Dolan.....	Murder	.....	.....	That since the trial events have taken place, and the testimony taken since the conviction that tend to show that his crime is only murder in the second degree.	Thomas S. Denson, and a large number of the most respectable citizens of Butte County.

DECISION.—A large number of the most respectable citizens of Butte County, including the Sheriff, ex-Sheriff, and County Judge, have strongly recommended commutation of punishment. The testimony which has been taken since his conviction, leave great doubts upon my mind, as to the degree of his crime. Indeed a careful review of the whole case has led me to the conclusion that his crime, under the statute, is only murder in the second degree. His punishment, therefore, will be commuted to imprisonment in the State Prison for life.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 12, 1859..	Martin Rodriguez.	Murder	Placer.....	.....	That the Judge before whom he was tried failed to sign the death warrant as required by law, and the present District Judge having been counsel for the prisoner, is disqualified by the law regulating Courts of Justice.	Phillip W. Thomas, District Attorney, Placer County.

DECISION.—Judge Howel, before whom the man was convicted having failed to sign the death warrant, as required by section four hundred and sixty-six of the criminal practice act, before going out of office, and the present District Judge having been counsel for the prisoner, is disqualified by the laws regulating Courts of Justice, execution will be suspended until the 14th of January next.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
June 15, 1859.	Henry Wappner..	Murder	San Franc'o	.....		

DECISION.—In this case commutation of punishment is recommended by two hundred and eighteen citizens of San Francisco, and among them a large number of respectable merchants. In addition to this, eleven of the jury who found the verdict, join in the recommendation. This has induced me to re-examine the record with much care, and I regret that I have failed to find any reason why the Executive should interfere. The criminal had a fair and impartial trial, and as no new facts have since been elicited, I cannot change the punishment which the law affixes to the crime, although it is a painful duty. The application must be denied. The Secretary of State will send a copy of this decision to the Sheriff of San Francisco County in order that it may be communicated to the unfortunate man.

Date.	Name.	Crime.	County.	Sentence.
Oct. 18, 1859..	Pedro Ybarre....	Murder, in first degree	Calaveras...	.....

DECISION.—Upon the representation of the County Judge, his friends desire time to perfect an appeal to the Supreme Court, execution will be postponed until the fourth day of November next, on which day, (in the absence of further orders,) between the hours of twelve, M. and three, P. M. he will be executed.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 12, 1859.	J. W. Theoll	Forgery	Yuba	1 year		

DECISION.—This man having served out his full term, and conducted himself well during his imprisonment, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.
Nov. 30, 1859.	Herman Beecher	Assault with a deadly weapon	Placer	1 year

DECISION.—This man having sustained a good character previous to his conviction, and having behaved with propriety since his imprisonment, will, at the expiration of his sentence, be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.
Nov. 30, 1859.	Geo. Saviers	Gaming	Placer	6 months

DECISION.—This man having given evidence of a disposition to reform during his imprisonment, he will, at the expiration of his sentence, be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.
Dec. 15, 1859.	Jno. Milton	Grand larceny	San Franc'o	1 year

DECISION.—This man having served out his full term, and conducted himself with great propriety, and gives evidence of a disposition to reform, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 15, 1859..	Seaborn Coffman.	Manslaughter ..	San Joaquin	3 years		
	DECISION.—This man has served out his full term, and conducted himself with propriety, and gives evidence of a disposition to reform, will be restored to citizenship.					
Date.	Name.	Crime.	County.	Sentence.		
Dec. 24, 1859..	Geo. R. Morris...	Assault with intent to commit murder	Nevada	4 years....		
	DECISION.—This man having served out his full term, and during his imprisonment and since, given evidence satisfactorily of a disposition to reform, he will be restored to citizenship.					

while our advancement absolutely demands their stability and permanence. It is better even to suffer, for a time, under poorly-framed laws than to be afflicted with continued transitions into rules and regulations of persons and property purely experimental, which are again to be supplanted by a new order. The large mass of the people in a republic should always be as conversant with general laws as those persons following their study as a profession. One of the principal reasons why our prosperity has been retarded is owing to this spirit of innovation, each Legislature having almost felt it incumbent to undo the acts of its predecessor, thus destroying anything like stability. I sincerely trust that no general law will be interfered with, unless amendments are absolutely imperative, and that you will allow the social and material interests of the State to develop under existing statutes, trusting to tried experience to justify amendments.

In our past history, a morbid desire to experiment has given rise, more than any other one cause, to the debt with which we now find the State burdened, amounting to three million eight hundred and eighty-five thousand dollars. Compared with our resources, this sum may be regarded as small; yet, we look in vain for some evidence justifying its creation, having no public buildings and but one charitable institution—an Insane Asylum—to point to as evidence of its being incurred for the State's benefit. The receipts of government should always be equal to, and—if possible, without oppressive taxation,—greater, than the expenditures. Schemes of public improvements, however desirable they may appear, should never justify a variance from this rule, which should be stern and inflexible. Taking the Tenth Fiscal Year, commencing July 1st, 1858, and ending June 30th, 1859, as an example, the State Controller's books show our receipts to be one million one hundred and eighty-four thousand two hundred and twenty-one dollars and seventy-nine cents, and the expenditures to be one million one hundred and nine thousand one hundred and forty-three dollars and twenty cents, leaving a surplus of seventy-five thousand and seventy-eight dollars and fifty-nine cents. The receipts for the year commencing December 16th, 1858, and ending December 15th, 1859, amount to one million one hundred and ninety-five thousand four hundred and forty dollars and seventy-three cents, and the expenditures to one million one hundred and sixty thousand nine hundred and twenty-nine dollars and fourteen cents, leaving a surplus of thirty-four thousand five hundred and eleven dollars and fifty-nine cents.

Curtailing the expenses of the Legislature in every reasonable manner, by refusing to make appropriations for objects not absolutely just, and by dismissing all employés of government not required, the State receipts would largely overbalance her expenditures. Though taxes are heavy, they will be borne cheerfully by the people, struggling with all the wants incident to the growth of a new State, if they see that the revenue is properly expended by their officers and representatives. In due time we shall require a building for the unfortunate blind—rapidly multiplying in our midst—one for the deaf and dumb; houses of reform for the young in crime, and other institutions belonging to all well-ordered and humane governments. But, in all these matters, let our progress be proportioned to our population, wealth, and ability.

As a starting point, there should be appropriated, during the present session, a small sum to commence at an early period, the erection of a State Capitol, which can be completed in a few years in accordance with fixed architectural plans. The amount so appropriated, if it meets with

your approval, should neither increase the taxes, nor exceed the surplus in the treasury after the payment of the State expenses; for your State Capitol once permanently fixed, as it should be, legislation for other public institutions can then be molded in accordance with increasing necessities; the example and experience of our sister States proving and teaching that the public institutions of a State, should, upon the score of economy, if for no other reason, be concentrated, as far as possible, at the seat of government, and the record of our own brief existence showing the separation of even our few public institutions to be attended with unnecessary expenditure to the State, as well as themselves suffering from the want of constant and proper supervision.

Of all the subjects demanding legislation during the present session, no one is of greater importance than the proper disposition of your State prison. The views expressed upon this question by my predecessor, in the main, agree with my own. The lessee system should be ended, and the prison conducted under the control of the State. It is not reasonable to suppose that the hirer of convicts would pursue any other policy than that which will give a moneyed value to his contract. This is at once destructive of the very object of incarceration, to wit: punishment and reform. Experience has proven the impropriety, if not the inhumanity, of leasing the management and care of those condemned to toil and privation, and public opinion is unanimous in demanding a reform in this important matter.

When the Legislature, however, on the twenty-sixth March, 1856, passed an Act authorizing a lease for five years of the prisoners, it was not singular that this should have then seemed the most feasible plan for the disposition of their rapidly increasing number. A majority of our sister States from the first, compelled prisoners to contribute by their labor to their own support. But a comparison of their number with ours, will show that California was, at an early period, the land of refuge for the most hardened of all countries, and their number was so disproportioned to the means of our government, that the State authorities might then well sanction a system the continuation of which experience has shown to be most ruinous. The high price of all articles of consumption in 1856 might well have led the Legislature of that date to believe that ten thousand dollars a month was not unreasonable for the care and support of four hundred and seventy-one prisoners, with a prospective increase.

The subsequent decrease in the cost of living, and the manifest bad workings of the plan adopted in 1856, soon attracted public attention, and it became apparent that the State was paying very dear for the service rendered. Upon the twenty-sixth December, 1857, the last warrant for the monthly payment of ten thousand dollars to the lessee was issued, and in February, 1858, the Legislature passed a law authorizing the Governor to take possession of the prison, thus abrogating by enactment its own contract. This was an assumption of power, belonging to the courts only, and however odious or hard the State's engagement, it should have been adhered to by it as one of the contracting parties, until the only proper tribunal under the Constitution, could have passed upon a question purely judicial. From March 1st, 1858, to May 13th, 1859, the State continued in charge of the prison, at which time it was restored, by a decree of the Supreme Court, to the sub-lessee. The sum expended by the State for its maintenance during this time, including the amount adjudged to be paid for the unlawful entry, was one hundred and eleven thousand one hundred and eighty-one dollars and ninety cents. The

Date.	Name.	Crime.	County.	Sentence.	Grounds on which petition is based.	Names of Petitioners known to Gov.
Dec. 21, 1859..	Dennis Mahoney..	Murder	.....	.....		

DECISION.—A large number of the most respectable cttizens of Mariposa have requested a commutation of punishment from death to imprisonment for life. As the record leaves no rational doubt upon my mind that his crime is murder in the first degree, I must refuse to commute. As, however, he may have (from the character of the petition) anticipated a different decision, and therefore made no preparation for death, the execution will be postponed until the twentieth day of January next, at which time, between the hours of twelve, M. and three, P. M. he will be executed.

Date.	Name.	Crime.	County.	Sentence.
Dec. 21, 1859..	Jacob Elyea.....	Murder	.....	.....

DECISION.—Whereas information has reached me that one Jacob Elyea is under sentence of death, and an order issued for his execution on the 23d inst.; and, whereas, an application has been made by a number of respectable citizens to commute his punishment from death to imprisonment for life: the District Judge, before whom he was tried, has entirely failed to furnish the Governor with "a statement of the conviction and the judgment, and of the testimony given at the trial," as is required by law, without which the Governor cannot decide the question, now his execution, therefore, will be postponed until the thirteenth of January next, at which time, between the hours of twelve M. and four P. M. he will, in the absence of further orders, be executed.

Mr. Lamar offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that six thousand copies of the Governor's Message, in English, one thousand copies in Spanish, be printed for the use of the Senate and Assembly, and that they be distributed, *pro rata*, to the members and officers of both Houses.

Laid over until to-morrow.

On motion of Mr. Conness, the House took a recess until fifty minutes past eleven o'clock, A. M.

On reassembling, Mr. Rodgers of Tuolumne moved a call of the House. Carried.

And Messrs. Bailey of Tuolumne, Bell, Campbell, Covarrubias, Crowell, Curtis, Haliday, Henry, Hundley, Johnson of Amador, King, Lovell, Malarin, O'Connor, Patten, Shannon, Smith of Nevada, Swan, Theller, Warner, Warren, Welty, Wilkins, and Yager, were found absent.

On motion of Mr. Daggett, further proceedings under the call were dispensed with.

The Clerk was directed to inform the Senate that the Assembly was ready to meet them in Joint Convention in the Assembly Chamber.

JOINT CONVENTION.

The Convention being organized, the oath of office was administered to the Hon. Milton S. Latham, as Governor, and Hon. J. G. Downey, as Lieutenant-Governor, by Chief Justice Field.

The Convention adjourned to the Agricultural Hall, where His Excellency delivered the following Inaugural Address:

INAUGURAL ADDRESS OF M. S. LATHAM.

Gentlemen of the Legislature and Fellow Citizens:

Entering upon the duties of Chief Magistrate of our young State, it is expected of me, in accordance with precedent, to briefly indicate the line of policy by which I will be governed. Nothing but "examples of the most revered authority" induces me to comply with this expectation. It would be a better custom, upon the termination of an official career, for an officer to point his constituency to his several completed acts, rather than, in the assumption of office, to promise what may not be consummated.

Having a due sense of inability to fully meet public expectation in the discharge of the manifold duties imposed upon me, I should shrink from their responsibility were it not for the confidence that, in their execution, I have no other aim but to merit the generous faith of a free people, who have so honored me, and, at the expiration of two years, leave the blessings of our government unimpaired, if not enhanced; at the same time relying, with certainty, upon my motives, in all public acts, being received by the people with charity and indulgence, and my efforts to promote the good of society being sustained by a prompt and enlightened co-operation of the other branches of our State Government.

In a new State nothing can be so disastrous to its permanent prosperity as a continual change of her polity. This is strikingly true of California, so varied in her resources, so scattered in her population, and requiring so much caution in framing the general system of her laws. Alterations in her statutes cannot result in anything but continual confusion,

She is simply a striking exponent of the material power and intelligence of the country. The citizens of our mountain counties ought to be as proud of her as all Americans are of New York, all Englishmen of London, and all Frenchmen of Paris.

Whether, within some reasonable time, the harbor of San Francisco will require, or whether it now requires, a bulkhead, is a question upon which there are different views. The evidence taken last winter before a Committee of the Legislature, exhibits a strong conflict of opinion, both as to the extent to which the harbor is filling up, and as to the cause—from which it would appear that the necessities of commerce cannot be so urgent as to demand immediate legislation. The fact that the merchants of San Francisco, as a class, are opposed to it, makes this the more conclusive. True, they may be mistaken as to their own interests. But conceding that they are wrong in their opposition to a bulkhead, still they can hardly be wrong as to the fact of their being no immediate necessity for any measure whatever. If the shipping interests of that city were suffering daily, to an extent that demanded legislative action, there would be presented before you a general and constant application for relief. Rival interests would produce, here and there, opposition to even just measures; but that the general mass of the mercantile community would not fairly represent the real wants of their own harbor, seems incredible.

In a matter so important to the State, and one involving such a vast outlay of money, a mistake would be attended by the most disastrous consequences, and every precaution should be used to guard against premature and unwise action. I would, therefore, recommend to you, if any action at all on this matter is deemed advisable by the Legislature at present, to appoint, or authorize to be appointed, a board of experienced and disinterested scientific men to settle the primary questions involved in this controversy.

If it should be found, on the report of such a board, that a bulkhead is necessary, then a survey of the harbor should be made, with reference to the currents and other pertinent matters, so as to furnish the best lines for the structure, and determine the best mode of construction. This survey would require much scientific knowledge and much experience, and should be made by men of undoubted ability and integrity.

When these indispensable preliminaries shall have been satisfactorily concluded, the Legislature will then—and not before—have to determine by whom the bulkhead shall be built—whether by individuals, by a company, or by the City of San Francisco.

I am free to say that, at present, I regard as questionable, the propriety of giving to any one company the right to construct a bulkhead, or to protect in any other way an entire city front. It might create a mammoth monopoly, with immense power to interfere with and control the local, if not the general policy of the State—and that, too, in spite of any restrictions that could be imposed. The same objection applies to authorizing the city corporation to do the work, as it might create an ever-flowing fountain of political corruption, and ultimate bankruptcy.

But these are questions which can be better determined at a future time, when we have more information and reliable data to act upon, and, for the present, it does seem most clear, that it would be premature for this Legislature to take any decisive action, until surveys demonstrate the primary cause and the remedial necessities beyond all question.

Upon the twenty-eighth of April, 1857, an act was passed to provide for the payment of equitable claims against the State, and to contract a

Funded Debt for that purpose. The first section of this law limits these claims to the sum of three millions nine hundred thousand dollars, and the twelfth section requires all claims to be presented prior to January 1st, 1859, or to be excluded from the provisions of the law. Under the eighth article of the Constitution, this debt was submitted to the people for their ratification, at the general election in the fall of 1857. The people, by a decisive vote, recognized the debt as legitimate, but when the claims were duly presented, it was found that three million nine hundred thousand dollars did not cover the claims entitled to be funded as set forth in the eleventh section of said law. The same arguments and reasons which demanded the passage of the original, apply to the passage of another law, to be submitted to the people, to ratify this excess, supposed to be one hundred and sixty three thousand seven hundred and eighty-four dollars and twenty-six cents. I am confident that the people will not refuse to pay this surplus as if included in the original law of April 28th, 1857.

Nothing can so injure us abroad, or demoralize public feeling at home, as even a hesitation to meet our State liabilities, justly incurred. The State can do nothing so base as to repudiate its public faith, causing loss to those who acted upon its credit. Every good citizen will regard our State's honor as his own, and protect it, not only as precious, but as sacred. The rights of our own inhabitants cannot be deemed inviolable, if the State renounces the principles that constitute alone their security. If, as a political community, we become odious in the opinion of strangers, we would soon feel dishonored in our own. The subject, therefore, imperatively demands prompt attention, which I doubt not it will receive.

All attempts to introduce into our Legislative Halls, discussions upon national political topics, should be frowned upon and discouraged. It is right that the Representatives of the people in our State Legislature, should, when a necessity arises, instruct our exponents in the National Congress upon matters directly affecting their constituency, but only when they are presumed to be ignorant of the opinion of the people, upon matters relating to the State's good. We have abundant subjects for investigation, without expending the tax-payers' money in the consideration of political dogmas, which have but little, if any, application to us as a community, and which, in the main, are marked only by their abstraction.

There is, however, one subject, notwithstanding it belongs to Congress, which, I trust, will receive unmistakable action from not only the Legislature, but, so far as is possible, the entire people of the State: I refer to the overland mail. The Government of the United States is now paying for our mail facilities, one million one hundred and forty-one thousand dollars per annum. If our people, by petition, and their Representatives, by a positive expression of opinion, would demand of Congress a daily overland mail, to the exclusion of all other contracts, I am satisfied, on the score of economy and benefit to us as a State, that such an expression would not be unheeded. If, instead of the four different mail routes now in operation and paid for by the government, a contract should be made for a daily overland mail, the route to be selected by the contractors, as their own interest would dictate, the greatest possible good would enure to us. That route most accessible at all seasons of the year, and possessing most advantages would be selected. The passage of the United States Mail daily over any route, would make it the common highway for all those seeking a home with their families and property on the Pacific slope. This would be so, not only from a sense of security and protection by the General Government, by the daily passage of the United

sub-lessees alleging their ability to comply with the contract of March, 1856, now claim by suit the price therein stipulated, from December 26th, 1857, to the present time, amounting to near two hundred and fifty thousand dollars. To add to the complex nature of this vexed subject, there is also a claim for forty thousand dollars, charged as the value of the personal property of the sub-lessee, seized by the State Government, as State property, upon first of March, 1858. It is clear to my mind that, equitably, the sub-lessees are not entitled to the contract price while the State was at the expense of carrying on this institution; but whether they are legally, it is for the courts to determine. It will be found, by reference to reports and examination, that there is such confusion and mixing up of public and private property, that, were there no other reason, this alone would demonstrate the necessity of ending litigation and contentions alike ruinous to the State and the parties in adverse interest. I earnestly recommend to the Legislature the appointing of a Select Committee to inquire into all these matters, to confer with the sub-lessees upon a basis of fair and equitable adjustment of all disputes, to report the sum deemed proper and right to be paid by the State; and, acting in a conciliatory spirit, it will at once appropriate such sum as may seem just, and terminate forever this complication in the management of one, the most important, of our public institutions. I am assured that a committee will be met in a proper spirit by those interested in the contract. If, however, all attempts at an amicable settlement fail, then I trust that a law will at once be passed authorizing suit to be brought against the State, in order that the courts may decide speedily all the questions involved. So soon as this is accomplished a law should be passed specifically regulating the management of the prison, providing for an election of Warden and other officers, making them directly answerable to either the Legislature or to the people for the faithful discharge of their duties. The solitary confinement of the convicts, except when laboring—their sanitary regulation, and the division of their large number, by locating a branch prison at some point accessible and endowed with great natural advantages, should follow. The turning of convict labor to their own subsistence—the gradual relief of the State from the burden of their support, is feasible and within the compass of the present representatives of the people. There is no reason why their own industry should not only be made profitable, by being directed in mechanical pursuits not conflicting with free labor, but even be a source of economy to the State in the preparation of materials and erection of our public buildings.

For the consummation of all these ideas thus generally foreshadowed, I shall hold myself in readiness, at all times, to co-operate with the Legislature, to whose discretion and wisdom their execution must of necessity be chiefly intrusted.

In connection with this subject, I desire to express my views upon the power of pardoning convicts, as vested in the Executive by the Constitution.

During the past eight years, one hundred and sixty-seven convicts have received Executive clemency, being nearly one-eleventh of the entire number imprisoned, independent of escapes, deaths and discharges.

From this statement it would appear that either the Courts have been influenced by passion or unjustifiable haste, or that the power of relieving criminals of the judgment of the law has been unwarrantably exercised. Which is the case, it is not my province to even surmise. But I am sure, that the framers of our compact of government never designed

that the pardoning power vested in the Executive, was to be used to thwart the judgment of the Courts. The power to pardon is a mere incident to the execution of the law, intended to aid its just operations—never to set it at defiance. When sentence is once passed, the Courts become powerless; and though subsequently it may appear—during the operation of the punishment—by newly discovered evidence, that the person so convicted is innocent, or new facts may show that the judgment is too severe, no power exists in the Court to remedy the wrong. Then, and *then only*, does the Constitution design that the Executive shall step in and arrest by his decree the unjust rigor of the law. In this respect, he is but a part of its matured policy, and acts in pursuance of a provision at once necessary and humane. I am aware, that the Governor often finds himself in a very trying position, when he is presented with petitions signed by the officers of the Court and the Jury who tried the criminal, recommending Executive clemency, accompanied as they often are by the tearful prayers and solicitations of distressed and almost heart-broken friends and relatives. These petitions are often signed without reflection, and more to avoid importunities, than from a real belief that the convict should be freed from the penalty of his crime. The responsibility involving, so often, the terrible issue of life or death, is thus easily, and oftentimes thoughtlessly cast upon the Executive.

If our laws were always certain of execution, how seldom would be their infraction. If in our State, as in older political communities, the violation of rights of life, liberty, and property was promptly met by punishment, regardless of persons, how much more seldom would they be set at defiance. Too often powerful friends and improper influences mock at and avert the enforcement of the penalty incurred.

My duty is to my mind plain under the Constitution, which I, this day, have sworn to obey; and although my sympathies and feelings as an individual may often prompt me to exercise this power and free the criminal from the punishment adjudged, I will not, with my understanding of my duty as an officer of the law, pardon any one unless I am satisfied, from indubitable evidence, that the Court originally rendering the judgment would have done differently if the same facts presented to me had been before it prior to its final action.

The proposed act granting a franchise for the construction of a bulkhead in the harbor of San Francisco, will doubtless be brought to your consideration. The feasibility, and even necessity of this project, has already been the subject of much Legislative discussion. There is no disguising the fact that, under our popular institutions and the selfish speculating spirit of the day, straight-forward, honest legislation is becoming more and more difficult. It is the duty of those intrusted with law-making, to acknowledge this fact, to accept it as undeniable truth—then sternly resist and correct it, if possible.

A measure of such magnitude as this bulkhead, originating in a city where capital, and indeed all the forms of power are concentrated, is oftentimes urged from bad motives and with improper means. And between the good faith and honest convictions of some advocates, and the bad faith of others, it is often difficult to determine as to their real merits. On the other hand, caution should also be exercised against prejudices in legislating upon the immediate interests of San Francisco. There is a natural want of sympathy between men living in the country and those who live in cities. But there is no sense in its engendering an unfair or ungenerous spirit in dealing with matters affecting the rights, and the prosperity of all. San Francisco depends upon the growth of the State.

On motion of Mr. Laspeyre, Assembly Concurrent Resolution, Relative to printing the Governor's Message, was taken up, which, on motion of Mr. Conness, was laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, January 9th, 1860.

MR. SPEAKER:—The Senate on yesterday concurred in Assembly Resolution, No. 6, In relation to the votes cast at the last election, for and against calling a Convention, and have appointed, as a committee on the part of the Senate: Messrs. Anderson, Merritt, and Lansing;

Also, have concurred in Memorial, No. 7, with amendments;

Also, have concurred in Assembly Resolution, No. 8, Relative to the County Clerk of Siskiyou County;

Also, have concurred in Assembly Resolution, No. 9, Relative to Joint Convention to receive the oath of office of Governor and Lieutenant-Governer elect;

Also, have concurred in Assembly Resolution, No. 10, Relative to granting leave of absence to the Hon. C. M. Creanor;

Also, have concurred in Assembly Resolution, No. 11, Relative to granting leave of absence to the Hon. E. W. McKinstry.

J. R. BEARD,
Secretary of Senate.

The House concurred in Senate amendment to Assembly Memorial, No. 7, above reported.

SENATE CHAMBER.

MR. SPEAKER:—The Senate, on the sixth inst., passed Senate Concurrent Resolution, No. 8, Relative to the survey of the eastern boundary line of the State of California, and ask the concurrence of the Assembly;

Also, have concurred in Assembly Concurrent Resolution, No. 4, Granting leave of absence to C. E. Wilcoxson, County Clerk of Sutter County;

Also, on the seventh inst., passed Senate Concurrent Resolution, No. 11, Relative to granting leave of absence to the Hon. Charles Fernald, County Judge of Santa Barbara County, and ask the concurrence of the Assembly;

Also, Assembly Bill, No. 6, An Act to appropriate money to furnish the Governor's Office;

Also, Senate Bill, No. 3, An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to insure certain Bonds of the city of San Francisco to John B. Dickinson;

Also, have concurred in Assembly Concurrent Resolution, No. 5, Relative to appointment of committee to prepare for the Inaugural ceremonies.

J. R. BEARD,
Secretary of Senate.

The House concurred in Senate Concurrent Resolutions, Nos. 8 and 11, above reported.

Senate Bill, No. 3, above reported, read first and second times, and referred to the San Francisco Delegation.

SENATE CHAMBER,
Tuesday, January 10, 1860.

MR. SPEAKER:—The Senate has this day passed Assembly Bill, No. 11, An Act to extend the time for the Sheriff of Sacramento County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Tuesday, January 10th, 1860.

MR. SPEAKER:—The Senate has this day adopted Senate Concurrent Resolution, No. 13, Relative to appointing a committee of three from both Houses to confer relative to the number of the Governor's Message to be printed, and have appointed, on the part of the Senate, Messrs. Dent, Anderson, and Ryan.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No. 13, above reported, concurred in, and Messrs. Laspeyre, Fairchild, and Wescott, appointed committee on the part of the House.

The following resolution was offered by Mr. Hammond:

Resolved, That P. J. H. Smith be, and he is hereby, elected Watch of the Assembly during the session, and that he draw the same per diem as the Porters, payable out of the Contingent Fund of the Assembly.

On motion of Mr. Johnson of Amador, it was laid on the table.

Concurrent Resolutions were offered as follows:

By Mr. Henry:

Relative to the establishment of a semi-weekly mail from San Juan, in Monterey County, *via* Salinas, San Luis Obispo, and Santa Barbara, to the city of Los Angeles.

Adopted.

By Mr. Covarrubias:

Relative to the translation of the laws of the eleventh session into the Spanish language.

Adopted.

On motion of Mr. Wescott, at half past twelve o'clock, the House adjourned until eleven o'clock to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 11, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

States Mail, but because all along its course would soon spring up villages, towns, and settlements, of a hardy class, who would, in themselves, constitute an ever-present power, to intimidate aggressions and punish outrages.

Such a highway would soon relieve our State of the greatest blight to her prosperity, *the want of a large permanent population.*

And above this immediate present benefit, it would—sooner than all other efforts now used combined—bring about the much longed-for consummation of one of the greatest material ideas of our century—the building of the great Atlantic and Pacific Railway.

Action by the People and Legislature might not be met at once by a response from Congress, on account of existing contracts; but it will surely pave the way for its completion upon their termination.

It is well known that our State, though young in years, has been the scene of lawlessness without a parallel in the history of our sister republics. It is not my purpose, by any act of mine, to foster the angry passions which are the legitimate result of such past unreasonable combinations. He who is an enemy to the law, is an enemy to all civil or religious liberty. The isolated acts of such ebulitions of popular frenzy are not the subjects of so much regret, as the terrible consequences upon the heart of society itself. The laws when not executed, soon sink into contempt with the mass of the people, and the seeds of anarchy are sown broadcast in the popular mind, to bear bloody fruit, when least anticipated. If the people of our State are to acknowledge no power but *physical* force, no obedience but *personal* fear, then indeed is our system of government a mockery and a curse. Our whole theory of political association rests upon the respect in each citizen's heart, for the majesty of the law, not alone its written mandate, but upon an unwritten sentiment of the necessity of its observance, without which the objects of our political union would be indeed poorly subserved. Whatever power the Constitution and the Laws vest in me, shall be wielded to maintain the dignity and enforce the execution of Legislative decrees; and I confidently rely upon correct public sentiment, to aid me in this firm resolve.

Another evil, incident to our republican form of government, is a tendency to concentrate in the hands of the Executive, patronage and power. As the wants of the country increase with her wealth and population, and new offices are created, found necessary to carry out the laws, a disposition has increased in our State, to vest the power of filling them with the Executive. This should be promptly checked. Its consequences may be of the worst possible nature, by vesting your Executive with more power and authority than was designed by the framers of the Constitution, or is compatible with the public weal.

As far as possible all officers should be elective, in order that the public voice may be heard in the selection of those most fit to be intrusted with public duty. The conferring of patronage upon the Executive, while it imposes an unpleasant duty, can never give as great a security to the public, that the proper person will be selected, and the duties belonging thereto as faithfully discharged, as when the accountability is direct to the people. Each department of your government, should be vested with the selection of all officers incident to a faithful discharge of its own duties. But beyond this, the power should rest with the governed, as far as is possible, to select their own representatives for official duty. I shall ever be found ready to apply these sentiments to present or future laws.

I shall, upon future occasions, gentlemen of the Legislature, avail

myself of the privilege of the Constitution, in the recommendation of any measure which I may deem worthy of attention. The more simple we can render the operation of our government, the better will it subserve the purposes of its creation. The great Ruler of the Universe has bestowed upon us blessings which enable us to institute a favorable comparison with the most prosperous and gifted of our sister States. In mineral wealth we are without an equal; and our rapid stride in commerce and agriculture will soon render us the peer of the most prosperous communities. Our alluvial soil, our matchless climate, our auriferous products, should fill our hearts with gratitude to God, that he has cast our lot in a land so blessed.

Let it be our aim to make our State, morally and intellectually, co-equal with her physical endowments.

The wonderful and almost romantic book of California's history lies beneath our hands, and we, of all our fellow-citizens are privileged to write our names and deeds therein. Let the fair, pure page that lies before us, white and open, in the future be marred by no unseemly blot or erasure; and may the record of our convictions, in even the manner and form of their expression, be such as the honest man may scan with pleasure, and the ardent well-wisher of his State find nothing to regret.

Having reassembled, on motion of Mr. Burson, at half past two o'clock, P. M., the House adjourned until twelve o'clock, M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 10, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Quorum present.
Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 10th, 1860.

To the Honorable the Assembly of the State of California:

I have this day appointed George Wallace Private Secretary to the Governor.

All communications from this department will be presented to your Honorable Body through him. MILTON S. LATHAM,
Governor of California.

Mr. Smith of Nevada offered the following resolution:

Resolved, That J. W. Lockwood be, and he is hereby, appointed Night Watchman of the Assembly, with the pay of a Porter.

Laid on the table.

A quorum present.

The Journal of yesterday was read and approved.

The Speaker appointed Messrs. Covarrubias, Malarin, and Schmidt, Joint Committee on the part of the House on the translation of the laws into the Spanish language.

PETITIONS.

Petitions were presented, and referred to the Judiciary Committee, as follows:

By Mr. Welty:

Of citizens of Sacramento County, for repeal of amendment of "Practice Act," passed March twenty-fourth, one thousand eight hundred and fifty-eight;

Also, of citizens of Sacramento County for repeal of Attachment Law of one thousand eight hundred and fifty-eight.

By Mr. Hayes:

Of citizens of Nevada County for repeal of Attachment Law of one thousand eight hundred and fifty-eight.

REPORT.

The Judiciary Committee made the following report:

Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill, No. 2, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District, have considered the same, and report the bill back, with the recommendation that it be passed.

WILLIAMS,
Chairman.

The rules were suspended, and Senate Bill, No. 2, above reported, was read third time and passed.

Mr. Howe offered the following resolution:

Resolved, That Frank Schell be allowed two days' pay for acting as Doorkeeper of the House, payable out of the appropriation for the pay of officers and Clerks of the Assembly.

Adopted.

Mr. Bailey of Tuolumne offered Assembly Concurrent Resolution, providing for the appointment of a Joint Committee of three from each House to visit the State Prison.

Referred to the Committee on State Prison.

Mr. Johnson of Amador offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the two Houses meet in Joint Convention, at twelve o'clock, M., on Thursday, January twelfth, one thousand eight hundred and sixty, in the Assembly Chamber, for the purpose of electing a United States Senator to fill the vacancy occasioned by the death of the Hon. David C. Broderick.

Lost.

Mr. Hundley offered a resolution authorizing the Sergeant-at-Arms to hire a room and porter for the Judiciary Committee.

On motion of Mr. Conness, it was temporarily laid on the table.

The following resolution was offered by Mr. Wescott:

Resolved, That the Sergeant-at-Arms be authorized to purchase a filter for the purpose of cleansing the water for the use of the Assembly.

Adopted.

Mr. Lamar offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be authorized to appoint a Clerk, whose pay shall not exceed eight dollars per day, to date from the commencement of the session.

Mr. Laspeyre moved to strike out the word "eight" and insert "six," which was withdrawn.

Renewed by Mr. Conness, and lost.

Mr. O'Connor moved to amend, by providing that the pay commence on the eleventh day of January.

Which was lost, and the resolution, as originally presented, was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, January 11, 1860.

MR. SPEAKER:—The Senate has this day adopted the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the two Houses meet in Joint Convention this the eleventh day of January, A. D. one thousand eight hundred and sixty, at two o'clock, P. M., for the purpose of electing a United States Senator to fill the vacancy caused by the death of the late Hon. D. C. Broderick, and ask the concurrence of the Assembly.

DAVID J. WILLIAMSON,
Assistant Secretary

Senate Concurrent Resolution, No. 14, above reported, was taken up.

Mr. Daggett moved to amend, by striking out "eleventh January, one thousand eight hundred and sixty, at two, P. M.," and inserting "Thursday, January twelfth, one thousand eight hundred and sixty, at twelve, M.,"

Which was lost, and the resolution concurred in.

NOTICE OF BILLS.

Notice of the introduction of bills were given:

By Mr. Laspeyre, of An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an act entitled 'An Act to regulate fees in office in certain counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eigl eenth, one thousand eight hundred and fifty-nine.

By Mr. Pate, of An Act to amend an act entitled "An Act to amend

section twenty of an act entitled 'An Act to regulate proceedings in civil cases in the Courts of Justice of this State,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, approved March twenty-fourth, one thousand eight hundred and fifty-eight.

By Mr. Welty, of An Act to locate a branch of the State Prison in the county of Sacramento, and to erect a building at such location, and to provide rules and regulations for the government of the same.

By Mr. Bailey of Santa Clara, of An Act amendatory of, and supplementary to, "An Act to provide revenue for the support of the government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven.

By Mr. Starr, of An Act concerning certain acknowledgements of deeds, and other instruments in writing, affecting real estate.

By Mr. Johnson of Sierra, of An Act for the creation of Altuars County, to define its boundaries, and to provide for its organization.

By Mr. Goodman, of An Act for the formation of the county of Mokelumne, and to define its boundaries, and to provide for the organization of the same.

By Mr. Phelps, of An Act relating to the salaries of the County Officers of the city and county of San Francisco.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ellis, of An Act to regulate fees of witnesses in criminal cases.

Read first and second times and referred to the Judiciary Committee.

By Mr. Sawyer, of An Act to amend an act entitled "An Act to amend an Act entitled 'An Act to authorize the funding of the Floating Debt of the city of San Francisco, and to provide for payment of the same,'" passed May first, one thousand eight hundred and fifty-one, approved April twentieth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Hundley, of An Act to repeal "An Act relative to the time of assessing the value of real and personal property, and collecting taxes levied thereon, for State and county purposes, in the counties of Sierra and Plumas," so far as the provisions of said act relate to the county of Plumas.

Read first and second times and placed on file.

By Mr. Rogers of San Francisco, of An Act amendatory of, and supplementary to, "An Act defining the rights of husband and wife."

Read first and second times and referred to the Judiciary Committee.

By Mr. Jenkins, of An Act to amend an act entitled "An Act to create the county of Merced, to define its boundaries and to provide for its organization."

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Starr, of An Act regulating prosecution in cases of bastardy, and providing for the support of illegitimate children.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pate, of An Act to amend an act entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in the courts of Justice of this State,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, approved April fifteenth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Judiciary Committee.

By Mr. Phelps, of An Act to grant to certain parties the right of constructing a road to Point Lobos, in the city and county of San Francisco.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Wescott, of An Act to amend an act entitled "An Act to provide for the support of the indigent sick of Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six.

Read first and second times and referred to the Yuba Delegation.

By Mr. Johnson of Amador, of An Act to pay Mary Harrison for services rendered at the State Insane Asylum.

Read first and second times and referred to the Committee on Claims.

By Mr. Swan, of An Act granting the privilege to run a Steam Ferry between Vallejo and Mare Island, to Edward Lougan and Thomas Thornton, their successors and assigns.

Read first and second times and referred to the Committee on Commerce and Navigation.

REPORT.

Mr. Daggett made the following report:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 6, An Act to appropriate money to furnish the Governor's office;

Also, Assembly Bill, No. 11, An Act to extend the time for the Sheriff of Sacramento city and county to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine.

JOHN DAGGETT,
Chairman.

At half past twelve o'clock, M., the House took a recess until fifty minutes past one o'clock, P. M.

The House reassembled at ten minutes before two o'clock, P. M.

COMMUNICATION FROM SUPERINTENDENT OF PUBLIC INSTRUCTION.

The following communication was received from the Superintendent of Public Instruction:

Department of Instruction,
January 11, 1860.

To Hon. Phil. Moore,
Speaker of the Assembly:

Sir:—I have the honor to submit herewith the Annual Report, with accompanying documents, of the Superintendent of Public Instruction.

Very respectfully,
ANDREW J. MOULDER,
Sup't Public Instruction.

JOINT CONVENTION.

Convention called to order by the President of the Senate, the object of the Convention being the election of a United States Senator to fill the vacancy occasioned by the death of the late Hon. D. C. Broderick.

The President appointed, as Teller, on the part of the Senate, Mr. Lansing.

The Speaker appointed as Teller, on the part of the Assembly, Mr. Lamar.

Nominations being in order, Mr. Welty nominated Milton S. Latham.

Mr. Parker nominated O. L. Shafter.

Mr. Conness nominated Edward Randolph.

The nominations being closed, the election resulted as follows:

Names.	Latham.	Randolph.	Shafter.
Anderson	1		
Bradley	1		
Ballou		1	
Clark		1	
Chase		1	
Crittenden	1		
De la Guerra	1		
Dent	1		
Denver	1		
Dickinson	1		
Eagon	1		
Edgerton		1	
Franklin	1		
Haynes	1		
Kirkpatrick	1		
Lansing	1		
Leet	1		
Logan	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Parker			1
Parks	1		
Peachy	1		
Phelps			1
Pico	1		
Quinn	1		
Redman	1		
Ryan	1		
Sharp	1		
Titus	1		
Vance	1		
Watkins	1		
Watson	1		
Wheeler		1	
Babcock	1		
Bailey, of Santa Clara	1		
Bailey, of Tuolumne	1		
Beach	1		
Bell	1		
Bowman	1		
Burson	1		
Campbell	1		

Names.	Latham.	Randolph.	Shafter.
Conn	1		
Conness		1	
Coombs		1	
Covarrubias	1		
Crowell	1		
Curtis	1		
Daggett	1		
Dunlap	1		
Ellis	1		
Fairchild	1		
Gallagher	1		
Goodman	1		
Groom	1		
Gwinn	1		
Haliday	1		
Halsted		1	
Hammond	1		
Harville	1		
Hawley	1		
Hayes	1		
Henry	1		
Heston	1		
Howe	1		
Hugg	1		
Hundley	1		
Jenkins	1		
Johnson of Amador	1		
Johnson of Sierra	1		
King	1		
Kungle	1		
Lamar	1		
Lambert	1		
Laspeyre	1		
Lawrence	1		
Lewis	1		
Lovel	1		
Makins	1		
Malarin	1		
Maxson		1	
McDermit	1		
O'Connor		1	
O'Rear	1		
Pate	1		
Patten	1		
Phelps	1		
Rogers of San Francisco	1		
Rodgers of Tuolumne	1		
Sawyer	1		
Schmidt	1		
Shannon		1	

Names.	Latham.	Randolph.	Shafter.
Shattuck		1	
Shelton	1		
Smith of Nevada	1		
Smith of Sutter	1		
Starr		1	
Stevenson	1		
Stone	1		
Swan		1	
Theller	1		
Tilton			1
Walden	1		
Watson	1		
Welty	1		
Wescott	1		
White	1		
Wilkins	1		
Williams	1		
Wilson	1		
Yager	1		
Yancey	1		
Mr. Speaker	1		
Totals	97	14	3

Milton S. Latham having received a majority of all the votes cast, the President declared him duly elected United States Senator for the State of California, to fill the vacancy occasioned by the death of the late Hon. David C. Broderick.

The business for which the Convention assembled being concluded, the President declared the Convention adjourned *sine die*, and the Senators withdrew to their chamber.

IN ASSEMBLY.

On motion of Mr. Henry, at forty-five minutes past two o'clock, P. M., the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 12, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
A quorum present.
The Journal of yesterday was read and approved.
Mr. Rogers of San Francisco, presented a petition of James Haworth,

and others, for relief as sureties to the State for the Pacific Express Company.

Referred to the Judiciary Committee.

Mr. Campbell had three days leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Mr. Speaker:—Your Committee on Judiciary, to whom was referred Assembly Bill, No. 20, An Act regulating prosecutions in case of Bastardy, and to provide for the support of Illegitimate Children, report the bill back, and recommend its reference to the Committee on Public Morals.

WILLIAMS,
Chairman.

Assembly Bill, No. 20, above reported, was referred to the Committee on Public Morals.

By Mr. Sawyer:

Mr. Speaker:—The delegation from the city and county of San Francisco, to whom was referred Senate Bill, No. 3, for an act entitled An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to reissue certain Bonds of the City of San Francisco to John B. Dickinson, have had the same under consideration, and recommend the passage of the same, without amendment.

FREDERICK A. SAWYER,
DANIEL ROGERS,
JASPER BABCOCK,
A. PHELPS,
JOHN C. SCHMIDT,
SAMUEL L. THELLER,
B. T. PATE,
S. S. TILTON.

The rules were suspended, and Senate Bill, No. 3, above reported, read third time, and passed.

By Mr. Wescott:

Mr. Speaker:—The Yuba Delegation, to whom was referred Assembly Bill, No. 16, An Act to amend an Act entitled "An Act to provide for the support of the Indigent Sick in Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six, have had the same under consideration, and beg leave to report the same back to the House, and unanimously recommend its passage.

(Signed) J. WESCOTT,
BENJ. L. O'REAR,
C. H. KUNGLE,
J. M. CROWELL,
BENJ. P. HUGG.

The rules were suspended, and Assembly Bill, No. 16, above reported, was considered engrossed, and read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, January 12th, 1860.

To the Honorable the Assembly of California:

The last Legislature passed an act authorizing the people of the six southern counties of the State to vote upon the question of a separation from the balance of the State. In compliance with that act I have transmitted to the President of the United States a certified copy thereof, a statement of the vote, and also a paper embodying my views upon the question. As the people of the State are deeply interested in any action Congress may take in this matter, and as I may soon be required, as a Senator, to urge or oppose the formation of a new government for these counties, I think it proper to send herewith a copy of the paper referred to.

MILTON S. LATHAM,
Governor of California.

COMMUNICATION OF GOVERNOR LATHAM.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 12th, 1860.

To His Excellency,
JAMES BUCHANAN,
President of the United States:

SIR:—The Legislature of the State of California, at its last session, passed an act, consenting that a certain portion of the territory of the State, including the counties of San Luis Obispo, San Bernardino, Los Angeles, San Diego, Santa Barbara, and a part of Buena Vista, be segregated from the remaining portion of the State, for the formation, by Congress, with the concurrent action of said portion, of a territorial or other government. This question of segregation was to be submitted to a vote of the people of the six counties named, and, if carried by a two-third vote, the Governor is required to transmit the result, with a copy of the act, to the President, for the action of Congress. The people of these counties gave a two-third vote in favor of separation, and my duty might be technically discharged by simply presenting the result; but, as the proposition embraced in this act of the Legislature of California, is believed to be comparatively new, and involves very grave considerations, both State and National, I deem it not inappropriate to submit some general views upon the subject:

The origin of this act is to be found in the dissatisfaction of the mass fo people, in the southern counties of this State, with the expenses of a State Government. They are an agricultural people, thinly scattered over a large extent of country. They complain that the taxes upon their and and cattle are ruinous—entirely disproportioned to the taxes collected in the mining region; that the policy of the State, hitherto, having been to exempt mining claims from taxation, and the mining population being migratory in its character, and hence contributing but little to the State revenue in proportion to their population, they are unjustly burdened; and that there is no remedy, save in a separation from the other portion of the State. In short, that the union of southern and northern California is unnatural.

It s well known that at the time of the formation of our State Constitution, the people of Southern California preferred a territorial to a State

form of government. But, yielding their preferences, they made common cause with their brethren of the north, in the adoption of our present constitution, though from that time forward they seem to have regretted the step.

As to the sentiment of the people of the State at large, upon this separation, I have no doubt it is very largely against it. If this be so, it renders useless any remarks upon the *policy* of the measure. The people are the proper judges upon this point, and if they are opposed, the measure must be deemed, for the present, at least, impolitic.

The legal and constitutional aspect of the measure is, however, of the first importance.

It presents, in a peculiar and radical form, the power of Congress in admitting new States into the Union. The question is: Can a portion of the State go backwards and be remitted to a territorial condition? If so, it may be within the power of the several State Legislatures and Congress, to dissolve the Union. Let each Legislature consent that the entire State, with the exception of a mere fragment—say a mile square—be set off to itself and remitted to a territorial condition, and let Congress assent, and the Union is gone; for, practically, there would be no Congress and no States. A result like this may be said to be incompatible with the whole theory and structure of the government.

Equally with the doctrine of nullification and secession, it is unprovided for in the Federal Constitution. The framers of that instrument never contemplated a quiet dissolution of the Union. They expected it to last until overturned by force. And, whenever the exercise of a power by Congress, or the States, tends directly or substantially to dissolution, that power is not granted.

A distinction, however, may be drawn between a whole State, or so nearly the whole as to amount to the same thing, being remitted to a territorial condition, and a small, or reasonable portion of the State being so remitted. There would be a clear difference in the effect. In one case the State itself, and, by consequence, Congress ceases to exist; while in the other, a new territory, and, in time, a new State, would be added to the Union; a result at once beneficial, and within the power of Congress. The one power, therefore, tending naturally to the admission of new States, and hence being within a positive clause of the Constitution, is, in itself, constitutional; while the other power, tending to dissolution, is essentially different, and without the entire scope of that instrument.

It may be argued that the constitutionality of the power cannot depend on the extent to which it is carried; that the power to remit six counties to a territorial condition, is the same in kind, and depends on the same constitutional provisions, as a power to remit twelve, twenty-four, or all the counties of the State to that condition. But this is not true. The legality or constitutionality of a measure often depends upon the degree in which power over a given subject is exercised.

Laws changing the remedy, but not so far as to impair the obligation of the contract—laws covering defective acknowledgments and records—pilot laws—State laws enforcing the police powers of the State up to the line of conflict with the power of Congress to regulate commerce, are examples. Besides, all the provisions of the Constitution must be construed reasonably; otherwise, the absurdities with which they can be tortured, might be advanced as an argument against the existence of a large number of the most undoubted powers of the Government.

The clause of the Constitution of the United States pertaining to this subject is as follows: "New States may be admitted by the Congress

into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

Here is express power to form a new State by dividing a State; a power, too, without limitation. Under it, any portion, however small, of a State, may be erected into a new State. Parts, however small, of two or more States, may be joined and made a State. Two or thirty-three States may be joined and erected into a new State. The result, by a junction of all the States, would be almost as serious, as we have seen an extreme division might be. The Senate would be composed of *two members*. These consequences will never arise, because the wisdom of the country will always prevent; but they are constitutionally possible, and show how broad the power of Congress over the admission of States. The only limitation appears to be in the required consent of the Legislatures of the States concerned.

The question then arises, *can Congress assent to the division of a State, not for the purpose of forming a new State, but to organize a Territorial Government preparatory to a new State at some future time?*

In other words, is the division of the old State, and the formation of the new one, simultaneous in a constitutional sense? There is difficulty in this question. At the time of the adoption of the Constitution, the idea of a State, or a portion of it, being shorn of its sovereignty, and reduced to a mere territory, was not probably contemplated. The clause for the admission of new States, was intended to remedy a defect in the authorities of Congress under the confederation; and was necessary in order to provide for the territory then in existence, even if the acquisition of younger territory was not thought of, as many maintain. The Constitution, on its face, at first view, seems only to provide for a progressive movement from a territory to a State, and for the preservation of the States as such. The latter part of the clause permits the States to divide, but still, with the object of forming a new State then and there.

The provision, too, requiring Congress to protect the States against invasion and domestic violence, added to the general principle of public law, that every nation is bound to preserve itself and all its members, so long as possible, holds up, as the one high aim of the Constitution, the permanent existence of the States. All this must be conceded. But is it inconsistent with the proposition under consideration? The necessities of the times have long since compelled a liberal construction of this clause in the Constitution. Under it and the treaty-making power, foreign territory has been acquired and admitted into the Union. As time passes, the power to admit new States must be more and more expanded. It fairly involves the power of discretion as to the time and circumstances of admission. It involves the power of legislation to mold and prepare the territory for its new condition. And if a State consent that a portion of its territory be severed, I see no reason why Congress may not permit that territory to be erected into a territorial government, if its inhabitants so desire. If, for instance, by inadvertence or ignorance of the precise geographical limits of a territory, a State has been formed with boundaries so extensive as to embrace regions utterly unsuited, from sparseness of population, remoteness from the seat of government, or other causes, to the burdens, the rights and duties of a State, why cannot the evil be remedied by the united action of Congress and the State? To reduce a portion of a State to a territorial condition, is simply going back to the point started from; it adds no new feature to the government,

but produces a condition of affairs in unison with all our institutions. Suppose Carson Valley, beyond the Sierra Nevadas, was a part of California, and that the connection, because of the distance and the intervening mountains, was disastrous, and that the population of the valley was insufficient for a State, or that its limits were too small, is there no constistutional power to sever the connection and attach the valley to Utah Territory? If not, then is our government destitute of some of the inherent powers of all nations. The right of the General Government and the States to preserve themselves, and of the people to secure for themselves and their posterity, the blessings of liberty, in itself commands such an interpretation of the Constitution as to confer the power claimed. And if a portion of the State could be thus severed and attached to another territory, already under a territorial form of government, it can be organized into a territorial government by itself. The objections to this power seems to be based more upon form than substance.

If a State can be divided, and a new State formed, then, upon the principle that the greater includes the less, a territory can be formed. If the people of the severed portion prefer to be organized under a territorial government, nothing in the Constitution prevents.

Assuming this power to be in Congress, with consent of the State legally given, it is contended that the State has never consented, because the act of the Legislature is in violation of her own constitution, and because it is a surrender of sovereignty.

The tenth article of our Constitution provides that it may be amended by an act passed by twe successive Legislatures, and then submitted to a vote of the people. The act under review did not conform to this provision, being simply an ordinary act of the Legislature. And to separate the six southern counties of the State by force of this act, is said to be an amendment of the Constitution in a way not pointed out.

Two questions arise. First: Is a change of the boundaries of a State, an amendment of the Constitution within the tenth article? And, second: If so, is not that act controlled, so far as a division of the State is concerned, by the clause already quoted from the Constitution of the United States?

As a strictly legal question, arising in the courts of the State, in suits between individuals respecting rights of property, and aside from any action on the part of the General Government, a change of boundary might, perhaps, be an amendment requiring a vote of the people of the whole State.

And, independent of article four, section three, of the Federal Constitution, to be noticed presently, it would be unjust in Congress to sanction such change, except made in accordance with the State Constitution. Even this, however, is not universally conceded. It is held by many that a change of boundary is simply a change of territory—that the fundamental principles of the Constitution remain the same, but become circumscribed in their sphere of action.

But, to consider the second question. The Federal Constitution does not require any action by the people. It speaks of the consent of the Legislature alone; and to ask the consent of the people also, would be a matter of favor, not of right. It is difficult to see how the consent of the people can give any legal weight to the act of the Legislature.

The vote of the people is not a component part of the act of the Legislature, but something in addition thereto. It cannot, therefore, be said that this act is invalid, because not passed according to the forms of

the Constitution. The act is complete in itself, and, as, such, is as valid as any other act of the Legislature.

The truth is, an amendment of a Constitution like our own, is not strictly an act of the Legislature at all, but an act of the people in their sovereign capacity.

The action of the Legislature is preliminary and formal; the action of the people, vital and final. For these and other reasons, I respectfully suggest that the *Act of the California Legislature is valid, though never submitted to a vote of the people of the whole Satte; and that article four, section three, of the Federal Constitution, contains all the requirements for a division of the State.*

The action of the General Government, hitherto, confirms this view. As a rule, the boundaries of States have been changed by act of Congress, with the consent of their Legislatures alone. In 1812, Louisiana was admitted into the Union, with certain boundaries. Subsequently, Congress passed "An Act to enlarge the limits of the State of Louisiana," by the provisions of which a very considerable portion of territory was "to become and form a part of the said State," in case the Legislature of the State consented thereto. The power of Congress and the State Legislature to alter the boundaries, independent of any action of the people, was discussed and affirmed.

When Missouri, in obedience to an act of Congress, authorizing her to form a State Constitution, presented herself for admission, and objection was made to that clause in her Constitution, requiring the Legislature to pass laws preventing free negroes and mulattoes from coming into and settling in the State, the question was finally disposed of, by a resolution admitting her, with the fundamental condition that the Legislature should change this clause. The Legislature did change it, and the State was admitted. This change, the Legislature, under the State Constitution, had no power to make; and the position was then taken that the consent of the people was essential. But Congress, notwithstanding the change was one of principle and not of mere territory, under the power to admit new States, accepted the action of the Legislature instead of the people. Doubtless, this was an extreme case.

In 1836 Congress, upon petition of the Legislature of Missouri, changed her western boundary, by extending it to the Missouri River. In 1838 and 1844, Congress passed acts to establish the southern boundary lines of Iowa Territory, and the northern line of Missouri, by which Commissioners were to be appointed by the President, the Governor of Iowa, and the Legislature of Missouri, to fix the boundaries, "finally and conclusively." And in 1846, the question being still unsettled, an act passed Congress, in accordance with acts of the Legislatures of Missouri and Iowa, agreeing to submit the boundary dispute between them to the Supreme Court of the United States, for final adjudication.

In 1848, Congress ratified the boundary line between Missouri and Arkansas, as established by their Legislatures.

In 1819, the Legislature of Massachusetts passed an Act authorizing the people of that part of the State known as the District of Maine, to form a Constitution and become an independent State.

The people of that district alone voted upon the question, formed a Constitution, and were admitted into the Union.

In 1842, during the negotiations between our government and Great Britain, as to the north-eastern boundary line, Maine and Massachusetts, by their Legislatures alone, without any action on the part of the people, appointed Commissioners to treat with the Federal Government, and

through these Commissioners, surrendered a large portion of territory, for the sum of three hundred thousand dollars, and by the same treaty New York, New Hampshire, and Vermont, acquired territory. Here, portions of a State were ceded to a foreign nation, which is a stranger case than the one proposed by California.

In other instances, the boundaries of States have been altered by Congress and the State Legislatures, without reference to the constitutional provisions as to amendments. And although the argument that such alterations are invalid without a direct vote of the people, has been sometimes urged, still it has been overruled; whether from high State necessity, or because a change of boundary was not deemed an amendment of a Constitution, is immaterial.

The settled practice of the nation, in this respect, becomes the law. And there would appear to be no solid objection to vesting this power to change the boundaries of a State with Congress and the Legislature of the State concerned.

The fair presumption is, that the Legislature will not interfere with the boundaries fixed by the Constitution, except when the people really desire, and an interference contrary to the united voice of the people could be effectually thwarted by petitions to Congress.

It may be added, that the whole process of amending Constitutions similar to that of California, shows the provision as to amendments to be inapplicable to a change of boundary. After the proposed amendments have passed two successive Legislatures, and been submitted to a vote of the people, and approved by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments "*shall become* part of the Constitution."

This is the whole result. Then, what is the condition of things? Simply, that what was once a portion of the State, *is now out of the State;* and that, too, without the consent of Congress.

This is absurd; there is no way for a State to part with its territory, without some treaty or compact, both of which are prohibited to the States unless Congress consents; or without a compliance with Article four, Sec. three of the Constitution of the United States. In short, it is impossible to change the boundaries of a State by this process of amendment alone.

The objection that the Act of the Legislature amounts to a surrender of sovereignty is untenable. A State may cede a portion of its territory, together with the jurisdiction and sovereignty over it, with the consent of Congress. It possesses all the powers of any independent sovereign nation, except in so far as restricted by the Constitution of the United States. The power to make treaties, compacts, or agreements, with other nations, is forbidden to the States without the consent of Congress. But, that consent given, the power of the State is absolute; and exists to the same extent, as if the State were an isolated, free, and sovereign, nation, instead of being a member of the Union.

Under this power, California could enter into a treaty or compact with Oregon, upon any of the subject matters of compacts between independent nations; and among these subject matters, are the acquisition and cession of territory. That nations may surrender a part of their territory, with the jurisdiction and sovereignty over it and the people therein, is a principle of International Law essential to their very existence. A distinguished writer, in speaking of compacts between nations, says "This may either leave the inferior nation a part of the sovereignty, or they may totally abolish it, so that the superior nation shall become the sov-

ereign of the other, or the lesser nation may be incorporated with the greater, in order thenceforward to form with it but one and the same State."

According to this doctrine, many of the present nations of Europe and America have been made up of what were once distinct and independent sovereignties; the national existence of the latter having been merged and blotted out. Our own government, in the acquisition of Florida, Louisiana, Texas, and California, and in the treaty of Washington, settling our northeastern boundary, has sanctioned the principle by recognizing the power of other nations to cede their territory, together with the jurisdiction and sovereignty thereof.

Aside from this power inherent in all sovereign nations, the States of the Union derive it necessarily from Article four, Sec. three, of the Federal Constitution heretofore quoted. If two or more States can be joined and erected into a new State, their sovereignty is surrendered. So that if there were any doubt as to the power of nations to yield up their sovereignty, there can be none as to the possession of power by the States of this Union, if Congress consent.

It may be said that, conceding the power of the States to surrender their sovereignty, the surrender must be made by the people in their primary capacity, and not by the Legislature.

And this, because sovereignty resides in the nation alone; and that the nation is something distinct from, and more than the executive and legislative power of the nation. This may sometimes be true; but not as applied to the United States.

The people have transferred to the Legislature, power to act upon all subjects, except so far as restricted by the State Constitution. The general doctrine is, that Congress possesses only the powers granted expressly or by implication in the Federal Constitution; while the State Legislatures possess all powers not prohibited by the Constitutions of the respective States.

Upon the whole subject, it is clear that Congress should act cautiously before organizing these southern counties into a Territorial Government. In the event of such organization, and its recognition by the Executive Department of the General Government, the matter is then beyond the control of the Judicial power, Federal or State, and also beyond the control of the State in its political capacity.

In other words, the State will have been effectually divided, right or wrong.

The State would be powerless, politically or judicially, to enforce any jurisdiction over the separated counties; and the Federal Judiciary would be bound by admitted principles of law, to follow the decision of the Executive and Legislative departments of the General Government. And if the dispute should ripen into war or domestic violence, the General Government would be compelled to interpose and decide. Its duty to guarantee to each State a republican form of government, and to protect it against domestic violence, gives it the constitutional power to act independently of the courts, and by the strong arm of the military to establish the boundary.

I have deemed the entire question, from its newness, worthy of these several suggestions, even though it subject me to the charge of prolixity.

Respectfully,

(Signed,) MILTON S. LATHAM,
Governor of California.

The communication accompanying the message was referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Starr, of An Act concerning certain Acknowledgements of Deeds and other instruments in writing affecting Real Estate.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Pate, of An Act to amend an Act entitled "An Act to amend section twenty of an Act entitled 'An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, passed March twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Judiciary Committee.

By Mr. Laspeyre, of An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Counties of this State,'" approved April twenty-eighth one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine.

Read first and second times and referred to the Judiciary Committee.

By Mr. Yager, on leave, of An Act to extend the time for collecting Taxes in the County of Contra Costa.

Read first and second times and ordered engrossed.

REPORT.

Mr. Beach made the following report:

Mr. Speaker:—The Committee on Engrossment have examined and found correctly engrossed Assembly Joint Memorial, No. 7, to the Congress of the United States in relation to the Swamp and Overflowed Land of the State.

H. BEACH,
Chairman.

NOTICE OF BILLS.

Notice of the introduction of bills was given:

By Mr. Johnson of Amador, of An Act in relation to Primary Elections.

By Mr. Schmidt, of An Act for the suppression of Dance Houses and Itinerant Street Musicians.

By Mr. Hugg, of An Act to exempt Mining Claims from forced sale.

By Mr. Smith of Sutter, of An Act to extend the time of the Tax Collector of Sutter County to collect Taxes in said County and make his final settlement with the Auditor.

By Mr. Hammond, of An Act to regulate the Fees of Office of Mariposa County.

By Mr. Burson, of An Act to amend an Act entitled "An Act amendatory to an Act entitled 'An Act to provide for the disposal of lots in the towns and villages on the public lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six.

By Mr. Curtis, of An Act to repeal "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and to re-enact "An Act concerning Roads and Highways in the County of Nevada," passed April twenty-eighth, one thousand eight hundred and fifty-five, with certain amendments.

By Mr. Goodman, of An Act to amend an Act entitled "An Act concerning Estray Animals," passed April nineteenth, one thousand eight hundred and fifty-six.

By Mr. McDermit, of An Act to change the time of holding the District Court in the Ninth Judicial District.

By Mr. White, of An Act to amend an Act entitled "An Act presenting the manner of applying for Pardons," passed May eighteenth, one thousand eight hundred and fifty-three.

By Mr. Lambert, of An Act amendatory of, and supplementary to, an Act entitled "An Act for the relief of Insolvent Debtors and protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two.

GENERAL FILE.

Assembly Bill, No. 23, An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property and collecting Taxes levied thereon for State and County purposes, in the Counties of Sierra and Plumas, so far as the provisions of said act relate to the County of Plumas," read third time and passed.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Welty:

Resolved, By the Assembly, the Senate concurring, that the sum of seven hundred and forty-five dollars and fifty-six cents be appropriated out of the Contingent Fund of the Senate and Assembly, to pay the expenses of the Inauguration of the Governor and Lieutenant-Governor on the ninth day of January instant.

Referred, with vouchers, to Committee on Accounts and Expenditures, with instructions to report a bill.

By Mr. Maxson:

Resolved, That Assembly Resolution, No. —, be so amended as to read as follows:

Resolved, That the Sergeant-at-Arms of the Assembly be authorized to appoint a Clerk, whose pay shall not exceed eight dollars per day to date, from commencement of the session, payable out of the Contingent Fund of the Assembly.

Mr. Howe moved to amend, by inserting "out of the appropriation for the pay of Officers and Clerks."

Carried, and the resolution as amended was adopted.

By Mr. Johnson, of Sierra:

Resolved, That the Sergeant-at-Arms be, and is hereby, authorized to appoint a Night Watchman for the Assembly, who shall receive five dol-

lars per day as a compensation for his services, payable out of the Contingent Fund of the Assembly.

Mr. Conness offered the following substitute:

Resolved, That the Sergeant-at-Arms be instructed to cause the Porters now in employ of the Assembly to watch the Assembly Chamber during the period of adjournment.

Mr. Bailey of Santa Clara moved to adjourn.
Lost.
Mr. Laspeyre moved to lay the whole subject on the table.
Lost.
Mr. Stevenson moved the previous question.
Sustained.
The substitute offered by Mr. Conness was carried and adopted.
On motion of Mr. Burson, at one o'clock, P. M., the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 13th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
The following members were absent: Messrs. Covarrubias and Patten.
Mr. Coombs had leave of absence for three days.
Journal of yesterday read and approved.
Hon. J. J. Warner, member elect from Los Angeles County appeared and was qualified.

PETITION.

Mr. Welty presented a petition of citizens of Sacramento in regard to Attachment Law.
Referred to the Judiciary Committee.
The Speaker announced the appointment of the following Committees:

ON CLAIMS.

Messrs. Stevenson, Babcock, Jenkins, Conn, and Hawley.

ON PUBLIC PRINTING.

Messrs. Laspeyre, Fairchild, Haliday, Beach, Groom, Burson, and Bailey of Santa Clara.

ON MILITARY AFFAIRS.

Messrs. Covarrubias, Schmidt, White, Yancey, and Phelps.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Howe, McDermit, Watson, Hundley, O'Connor, Bowman, and Smith of Nevada.

ON EDUCATION.

Messrs. Yager, Dunlap, Shannon, Bailey of Santa Clara, and Tilton.

ON AGRICULTURE.

Messrs. Warner, Crowell, Goodman, Coombs, and Stone.

ON INTERNAL IMPROVEMENTS.

Messrs. Babcock, Bailey of Tuolumne, Ellis, Heston, and King.

ON PUBLIC BUILDINGS AND GROUNDS.

Messrs. Welty, Wescott, Shattuck, Lewis, and Malarin.

ON PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs. Johnson of Sierra, McDermit, Conness, Stevenson, and Shelton.

ON FEDERAL RELATIONS.

Messrs. Wilkins, Williams, Johnson of Amador, Johnson of Sierra, Rodgers of Tuolumne, Swan, and Harville.

ON STATE HOSPITALS.

Messrs. Ellis, Harville, King, Wescott, and Burson.

ON SWAMP AND OVERFLOWED LANDS.

Messrs. Gwinn, Ellis, Laspeyre, Heston, Maxson, and Yager.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, January 11th, 1860.

To the Honorable the President of the Senate, and the Speaker of the Assembly of the State of California:

GENTLEMEN:—I have the honor of acknowledging the receipt of your communication of this day, certifying to me, in my official capacity as Governor of the State of California, that the Honorable Bodies over which you preside had met in Joint Convention and chosen a Senator in Congress to fill the existing vacancy, and certifying furthermore, that their choice had fallen upon myself.

Thus invited by their suffrage to assume duties incompatible with those conferred upon me by the people at large at the last general election, I herewith transmit, through you, to the Legislature, this, my resignation of the office of Governor of the State of California, to take effect on Saturday, the fourteenth instant, at twelve, M.

The new mark of confidence vouchsafed me, so soon after the solemn occasion of my entering upon the high office I now resign, has deeply impressed me, and I feel that the only adequate acknowledgment I can proffer, is an earnest endeavor to be worthy of so exalted a distinction.

I accept the new position, so honorable in its character, and vacate the

Executive Chair, without hesitation, at the bidding of the State, firmly believing that I can serve her more effectually in the National Council than elsewhere.

The known capacity and integrity of character of my constitutional successor, and my firm reliance upon the wisdom and patriotism of the present Legislature, suffice to relieve any anxiety I might otherwise experience in taking so important a step.

Be pleased to convey to the Senate and Assembly the warmest expression of my regard.

I am, with distinguished consideration,

Your obedient servant,

MILTON S. LATHAM,

Governor of Cal.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Howe:

Resolved, That the Sergeant-at-Arms of the Assembly be authorized to appoint a Clerk, whose pay shall not exceed eight dollars per day, to date from the commencement of the session, payable out of the Contingent Fund of the Assembly, and that the former resolution, passed January twelfth, one thousand eight hundred and sixty, is hereby rescinded.

Adopted.

By Mr. Welty:

Concurrent Resolution in relation to Daily Overland Mails.

Adopted.

By Mr. Johnson, of Amador:

Concurrent Resolution in relation to amendments to the State Constitution.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Thursday, January 12th, 1860.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly Concurrent Resolution, No. 12, Relative to the appointment of Fireman;

Also, have concurred in Assembly Concurrent Resolution, No. 14, Relative to Joint Committee for translation of Laws, and have appointed on said committee, on the part of the Senate, Messrs. De la Guerra, O'Farrell, and Watkins;

Also, have concurred in Assembly Concurrent Resolution, No. 13, Relative to the establishment of Semi-Weekly Mails from San Juan to Los Angeles, with the following amendment, and ask the concurrence of the Assembly:

Resolved, That the Governor be requested to furnish a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Also, have adopted Senate Resolution, No. 15, Relative to the Bonds of the Pacific Express Company, and ask the concurrence of the Assembly.

J. R. BEARD,
Secretary of Senate.

The House concurred in Senate Resolution, No. 15, and also concurred in Senate amendment to Assembly Concurrent Resolution, No. 13, above reported.

NOTICE OF BILLS.

Notice of the introduction of bills was given:

By Mr. Smith, of Sutter, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," to the Counties of Sutter and Yuba.

By Mr. Welty, An Act to provide for delivering Bonds, in all cases, after the levy of a writ of attachment or execution on personal property.

By Mr. Conn, An Act to repeal an Act entitled "An Act fixing the salaries of County Judge and District Attorney of San Bernardino County," approved March twenty-sixth, one thousand eight hundred and fifty-nine;

Also, An Act to regulate the fees of County Officers in San Bernardino County.

By Mr. Rogers of San Francisco, An Act to amend "An Act to regulate proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one.

INTRODUCTION OF BILLS.

Bills were introduced:

By Mr. Burson, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of lots in the towns and villages on the public lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six.

Read first and second times and referred to the Judiciary Committee.

By Mr. Lamar, An Act to provide for the organization of a Company of Mounted Volunteers, to be employed under the direction and control of the Governor, and to appropriate money to defray the expenses of the same.

Read first and second times, and referred to Special Committee of five, with instructions to report to-morrow morning.

The Speaker appointed Messrs. Lamar, Shelton, Daggett, Conness, and Burson, the committee.

By Mr. Bailey of Santa Clara, An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of this State," so far as said Act relates to the Counties of Santa Clara and Contra Costa.

Read first and second times, and referred to the delegation from Santa Clara and Contra Costa.

By Mr. Gwinn, An Act to amend an Act entitled "An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight; and also, to amend an Act approved April eighteenth, one thousand eight hundred and fifty-nine, entitled "An Act amendatory of

'An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State,'" approved April twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Smith, of Sutter, An Act to extend the time for the Tax Collector of the County of Sutter to collect the Taxes in said County, and make his final settlement with the Auditor.

Read first and second times, and referred to Sutter Delegation.

By Mr. Swan, An Act to extend the time for collecting Taxes in the County of Solano.

Read first and second times, and referred to the Solano Delegation.

REPORT.

Mr. Speaker:—The Committee on Engrossment have examined, and report as correctly engrossed, Assembly Bill, No. 26, An Act to extend the time for collecting Taxes in the County of Contra Costa.

BEACH,
Chairman.

Mr. Welty presented an account of J. Bithell, for Stationery furnished the last Legislature.

Referred to Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

Senate Chamber,
Friday, January 13th, 1860.

Mr. Speaker:—The Senate, on yesterday, passed Senate Bill, No. 4, An Act concerning the office of District Attorney of San Joaquin County;

Also, Senate Bill, No. 6, An Act to authorize the compromise, liquidation, and payment, to Fletcher M. Haight, for legal services;

Also, have passed Senate Concurrent Resolution, No. 16, Relative to printing the Governor's Message, and other documents, in English and Spanish, and ask the concurrence of the Assembly;

Also, have passed Senate Concurrent Resolution, No. 17, Relative to Joint Rules of both Houses, and ask the concurrence of the Assembly.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 4, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 6, above reported, read first and second times, and referred to the San Francisco Delegation.

Senate Concurrent Resolution, No. 16, above reported, amended, and concurred in as amended.

Senate Concurrent Resolution, No. 17, above reported, concurred in.

FURTHER MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, January 13th, 1860.

MR. SPEAKER:—The Senate has this day passed Senate Bill, No. 19, An Act to extend the time for collecting Taxes in the County of Colusa.

D. J. WILLIAMSON,
Assistant Secretary

Senate Bill, No. 19, above reported, read first and second times, rules suspended, read third time, and passed.

On motion of Mr. Henry, Assembly Bill, No. 8, heretofore referred to the Committee on Roads and Highways, was referred to delegation from San Luis Obispo.

On motion of Mr. Johnson of Amador, at half-past twelve o'clock, P. M., the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
January 14, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent: Messrs. Ellis, Covarrubias, Heston, and Shattuck.

Messrs. Shattuck and Wescott, had leave of absence for two days each, and Mr. Ellis and the Assistant Sergeant-at-Arms, one day each.

The Journal of yesterday was read and approved.

STANDING COMMITTEES.

The Speaker announced the following Standing Committees:

ON CORPORATIONS.

Messrs. Pate, Lawrence, Lovel, Halsted, Heston, Kungle, and Goodman.

ON COMMERCE AND NAVIGATION.

Messrs. Henry, Bailey of Tuolumne, Lambert, Walden, Makins, Pate, and Johnson of Sierra.

ON MINES AND MINING INTERESTS.

Messrs. Johnson of Amador, Lawrence, Curtis, Gallagher, Yancey, Patten, and Hugg.

ON PUBLIC LANDS.

Messrs. Jenkins, Campbell, Groom, Watson, Theller, Walden, and Makins.

ON STATE PRISON.

Messrs. Sawyer, Lewis, Henry, Hayes, Babcock, Lovel, and Howe.

ON PUBLIC MORALS.

Messrs. Fairchild, Yager, Warner, Hammond, and Tilton.

ON INDIAN AFFAIRS.

Messrs. Shelton, Lamar, Daggett, Phelps, and Conness.

ON ROADS AND HIGHWAYS.

Messrs. Bell, Smith of Nevada, Lambert, Makins, and Gallagher.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, January 14th, 1860.

MR. SPEAKER:—The Senate, this day, adopted Senate Concurrent Resolution, No. 19, Relative to meeting in Joint Convention, to accept the resignation of his Excellency Governor Latham, and install Lieutenant-Governor John G. Downey into office, and ask the concurrence of the Assembly.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 19, above reported.

SENATE CHAMBER,
Saturday, January 14th, 1860.

MR. SPEAKER:—The Senate, on Tuesday, January twelfth, passed Senate Bill, No. 16, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals,'" passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine;

Also, have this day, adopted Senate Concurrent Resolution, No. 18, Relative to granting leave of absence to Judge Sherrard, County Judge of Sutter County, and ask the concurrence of the Assembly.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 18, above reported.

Senate Bill, No. 16, above reported, read first and second times, and referred to the Committee on Agriculture.

REPORTS.

Reports were made as follows:

By Mr. Sawyer:

MR. SPEAKER:—The delegation from the city and county of San Fran-Francisco, to whom was referred Senate Bill, No. 6, entitled An Act to authorize the compromise, liquidation, and payment, to Fletcher M. Haight, for legal services, have had the same under consideration, and recommend the passage of the same, without amendment.

FRED. A. SAWYER,
For the Delegation.

The rules were suspended, and Senate Bill, No. 6, above reported, was read third time, and passed.

By Mr. Gwinn:

Mr. Speaker:—The Select Committee on Rules, have considered the same, and instructed me to report and recommend the adoption of the Rules of the last Assembly, with the following amendments:

Rule 19, amended so as to read: "A Committee on Commerce and Navigation to consist of seven members."

Rule 57, amended so as to read as follows:

"Rule 57—When a question on a motion, or on the final reading or passage of a bill, or resolution, shall have been decided in the affirmative, or negative, it shall be in order for any member of the majority to give notice, on the day of its passage or rejection, of his intention to move a reconsideration on the succeeding day, and said motion shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn except by leave of the House—thereafter any member can call it up for consideration.

All of which is respectfully submitted.

GWINN,
Chairman.

Mr. Conness offered the following amendment:

When any question, motion, bill, or resolution, shall have been indefinately postponed by the House, it shall not be in order to reconsider the same.

Lost.

The report of the committee was adopted, and the Joint Rules of both Houses, and the Rules of the Assembly, ordered printed.

JOINT RULES AND ORDERS.

I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber and state to each, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

IV.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may

have originated in the one or the other House, before it shall be presented to the Governor of the State.

VI.

When bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting and errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

VII.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approval (it being first indorsed on the back of the roll, certifying in which House the same originated, which indorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated) and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

IX.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

XI.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a Concurrent Resolution passed by both Houses.

XVIII.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XIX.

No spirituous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

STANDING RULES AND ORDERS OF THE ASSEMBLY.

I.

MEETING.

The House shall meet, each day of sitting, at eleven o'clock, A. M., unless the House shall adjourn to some other hour.

II.

ORDER OF BUSINESS.

After the reading and approval of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Motions and Resolutions.
6. Messages from the Senate.
7. Notices.
8. Second Reading and Reference of Bills.
9. Introduction and First Reading of Bills.
10. Business on General File, and Third Reading of Bills.
11. Unfinished Business of the Preceding Day.
12. Special Orders of the Day.

III.

It shall be in order for the Committee on Enrolled and Engrossed Bills to report at any time.

IV.

Messages from the Governor, State officers, and from the Senate, may be considered at any time by vote of the House.

V.

PETITIONS.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member, in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table or be referred, as this House shall determine.

VI.

BILLS.

Every bill shall be introduced by giving at least one day's notice, or by leave of two-thirds of the House, except such bill shall be introduced by a committee, in accordance with a rule of the House.

VII.

Every bill shall receive three readings previously to its being passed. The Speaker shall give notice, at each reading, whether it be the first second, or third reading, which reading shall be on different days, unless the House unanimously direct otherwise. No bill shall be amended or committed until twice read. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall then take the usual course.

VIII.

General appropriation bills shall be in order in preference to any other bills, unless otherwise ordered by a majority of the House.

IX.

All proceedings touching appropriations of money shall first be considered in a Committee of the Whole House; and no addition to any appropriation shall be made out of Committee of the Whole.

X.

A bill or resolution may be committed, with special instructions, at any time before the final vote is taken.

XI.

DUTIES OF SPEAKER.

He shall take the Chair precisely at the hour appointed for meeting, shall immediately call the House to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

XII.

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and

shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

XIII.

He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

XIV.

All Acts, Addresses, and Joint Resolutions, shall be signed by the Speaker; and all writs, warrants, and subpenas, issued by order of the House, shall be under his hand, attested by the Clerk.

XV.

In case of any disturbance or disorderly conduct in the galleries, or lobby, the Speaker (or Chairman of the Committee of the Whole House,) shall have power to order the same to be cleared.

XVI.

SERGEANT-AT-ARMS AND DOORKEEPER.

The Sergeant-at-Arms shall attend the House, during its sittings, to execute the commands of the House, and all process issued by authority thereof, directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

XVII.

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and coming, twenty-five cents per mile. But no compensation shall be allowed for the arrest, custody, or releasement, of members, under a call of the House, within the limits of the Capitol grounds. All fees accruing to the Sergeant-at-Arms for arrests, custody, and release of members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House, the Sergeant-at-Arms shall not be allowed any fees for the arrest.

XVIII.

The Doorkeeper shall be sworn to keep the secrets of the House.

XIX.

The Standing Committees of the House shall be as follows:

1. A Committee on Elections, to consist of seven members.
2. A Committee on Corporations, to consist of seven members.
3. A Committee on Public Printing, to consist of seven members.
4. A Committee on Claims, to consist of five members.
5. A Committee on Ways and Means, to consist of nine members.
6. A Committee on Judiciary, to consist of eleven members.
7. A Committee on Military Affairs, to consist of five members.
8. A Committee on Counties and County Boundaries, to consist of seven members.

9. A Committee on Commerce and Navigation, to consist of five members.
10. A Committee on Education, to consist of five members.
11. A Committee on Agriculture, to consist of five members.
12. A Committee on Internal Improvements, to consist of five members.
13. A Committee on Public Buildings and Grounds, to consist of five members.
14. A Committee on Public Expenditures and Accounts, to consist of five members.
15. A Committee on Mines and Mining Interests, to consist of seven members.
16. A Committee on Public Lands, to consist of seven members.
17. A Committee on Federal Relations, to consist of seven members.
18. A Committee on Engrossment, to consist of five members.
19. A Committee on Enrollment, to consist of three members.
20. A Committee on State Prison, to consist of seven members.
21. A Committee on Mileage, to consist of five members.
22. A Committee on Public Morals, to consist of five members.
23. A Committee on State Hospitals, to consist of five members.
24. A Committee on Indian Affairs, to consist of five members.
25. A Committee on Swamp and Overflowed Lands, to consist of seven members.
26. A Committee on Roads and Highways, to consist of five members.

XX.

All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

XXI.

It shall be the duty of the Committee on Elections to examine and report upon the certificate of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

XXII.

It shall be the duty of the Committee on Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure, and to report from time to time their opinion thereon.

XXIII.

It shall be the duty of the Committee on Claims to take into consideration all such petitions, and matters or things touching claims and demands on the State, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon.

XXIV.

It shall be the duty of the Committee on Commerce to take into consideration all such petitions, and matters or things touching the commerce of the State, as shall be presented, or shall or may come into question,

and be referred to them by the House, and to report from time to time their opinion thereon.

XXV.

It shall be the duty of the Committee on Public Lands to take into consideration all such petitions, and matters or things respecting the lands of the State, as shall or may come into question, and be referred to them by the House, and to report from time to time their opinion thereon.

XXVI.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine the books and accounts of the several public departments; to count the moneys in the State Treasury; and to examine particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws, and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their offices.

XXVII.

It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defense, which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in said establishments.

XXVIII.

It shall be the duty of the Committee on Internal Improvements to take into consideration all such petitions, and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come into question, and be referred to them by the House, and to report thereupon.

XXIX.

It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the Seat of Government, which may be referred to them, and report their opinion thereon.

XXX.

It shall be the duty of the Committee on Mileage to ascertain and report the distance for which each member shall receive pay.

XXXI.

No committee shall be permitted to employ a Clerk at the expense of the State, without first obtaining leave of two-thirds of the House for that purpose.

XXXII.

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House;

A Standing Committee;

A Select Committee.

XXXIII.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House, shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the House by the Chairman. After report, the bill shall again be subject to amendment before the question is taken.

XXXIV.

The Rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the times of speaking, and except that the ayes and noes shall not be taken.

XXXV.

A motion that the committee rise, shall always be in order, and shall be decided without debate.

XXXVI.

DECORUM AND DEBATE.

If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order—in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed, but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House; but no discussion of a question of order shall be allowed unless an appeal be taken from the decision of the Chair.

XXXVII.

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

XXXVIII.

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker;" and when he has finished, he shall sit down. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave; and members who have once spoken, shall not again be entitled to the floor, (except for explanation,) to the exclusion of others who have not spoken.

XXXIX.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

XL.

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

XLI.

If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak, without leave of two-thirds of the House.

XLII.

MOTIONS, ETC.

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn at any time before amendment or decision.

XLIII.

A motion to adjourn, or fix the time to which the House will adjourn shall always be in order, and be decided without debate. The Clerk shall enter on the Journals the name of any member moving an adjournment, and also the hour at which the motion was made.

XLIV.

When a question is under debate or before the House, no motion shall be received but—to adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely—which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill or resolution, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

XLV.

The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members present, shall be to put an end to all debate, and bring the House to a vote on the question or questions before it.

XLVI.

All incidental questions of order, arising after a motion is made for the previous question, and pending such, shall be decided (whether on appeal or otherwise) without debate.

XLVII.

The previous question shall only be put when demanded by three members.

XLVIII.

When a question is postponed indefinitely, the same shall not again be introduced during the session.

XLIX.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one

being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

L.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therein, any other bill or resolution pending before the House.

LI.

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House.

LII.

No bill or other matter shall be printed without first being specially ordered by the House, and the Sergeant-at-Arms shall be required to certify to the reception, by the House, of all such printed matter, and the quantity, before payment shall be made or bills audited.

LIII.

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

LIV.

In filling up blanks, the least sum and shortest time shall be first put.

LV.

All questions relating to the priority of business shall be decided without debate.

LVI.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

LVII.

When a question on a motion, or on the final passage of a bill or resolution, shall have been decided in the affirmative or in the negative, it shall be in order for any member of the majority to move for a reconsideration thereof, by giving notice on the day of its passage or rejection, of his intention to move for such reconsideration on the succeeding day, and it shall not be in order for any member to move a reconsideration on the day on which such motion or question shall have been decided, if such notice for reconsideration the succeeding day shall be offered by any member who voted in the majority on the question. The motion to reconsider may be made by any member of the House, and shall have precedence over every other motion, except a motion to adjourn. But there shall be no reconsideration of a motion of indefinite postponement.

LVIII.

In all cases of election by the House, the vote shall be taken *viva voce*.

LIX.

The ayes and noes shall be taken when called for by three members present, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

LX.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

LXI.

No member shall vote on any question in the result of which he is personally interested or involved.

LXII.

Upon a division and count of the House on any question, no person without the bar shall be counted.

LXIII.

No member shall be allowed to explain his vote, or discuss the question, while the ayes and noes are being called; and no member shall be allowed to change his vote after the vote is announced from the Chair.

LXIV.

CALL OF THE HOUSE.

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messenger, to be appointed for that purpose.

LXV.

MISCELLANEOUS.

No standing rule or order of the House shall be rescinded or changed without a vote of two-thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily, by a vote of two-thirds of the members present, except that portion of Rule VII relating to third reading of bills.

LXVI.

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two-thirds of the House.

LXVII.

No persons, except Senators, State officers, and ladies, shall be admitted within the bar of the House, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the House cleared of all such persons.

LXVIII.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

LXIX.

The rules of parliamentary practice contained in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House, and the Joint Rules of the Senate and House of Assembly.

LXX.

The Assembly Room shall not be used for any public or private business, other than legislative, except by permission of the House.

LXXI.

Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of two dollars. For each mile he shall travel, in coming to, or going from, the place of examination, the sum of twenty-five cents; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

LXXII.

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

LXXIII.

All bills reported to the House, by either standing or special committees, after receiving their second readings, shall be placed upon a general file to be kept by the Clerk, and no bill shall be considered by the House until the regular order of business shall have been gone through, and then bills shall be taken from the general file and acted upon in the order in which they were reported, unless otherwise specially ordered by the House. The Clerk shall post, in a conspicuous place in the Chamber, a daily statement of the bills on the general file, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day.

By Mr. Williams:

Mr. Speaker:—Your Committee on Judiciary, to whom was referred Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, ap-

proved April third, one thousand eight hundred and fifty-six, have considered the same, and report the bill back, and recommend its passage.

WILLIAMS,
Chairman.

The Clerk was directed to inform the Senate, that the Assembly was ready to meet them in Joint Convention, for the purpose of inaugurating Hon. John G. Downey as Governor.

IN JOINT CONVENTION.

The Convention being organized, the resignation of his Excellency Governor Latham, was read and accepted, and Messrs. Bradley and Kirkpatrick, of the Senate, and Shelton and Lawrence, of the Assembly, were appointed a committee to wait upon Lieutenant-Governor Downey, and conduct him to the Hall of the Assembly.

Shortly after the Sergeant-at-Arms announced the committee, accompanied by Mr. Downey and the Chief Justice of the Supreme Court.

The oath of office was administered by the Chief Justice.

INAUGURAL ADDRESS.

His Excellency delivered the following Inaugural Address:

Gentlemen of the Senate and Assembly:

In entering upon the discharge of the responsible duties of the office of Chief Magistrate of the State, which have devolved upon me under the provisions of the Constitution, in consequence of the resignation of the Governor, I am painfully conscious of the want of that experience which is so necessary to a proper administration of the affairs of the Executive Department of the government. I should indeed hesitate to take upon myself the discharge of those duties, did I not rely with confidence upon your appreciation of the difficulties of my position and your indulgent judgment upon my acts. I can only give to you, gentlemen, and through you to the people of the State, the assurance that the affairs of the government shall be administered with a rigid and just economy, and to the best of my abilities, with a due regard to the varied interests of the State. The general policy which I propose to pursue, is plainly and admirably indicated in the Inaugural Address of Governor Latham, and I hope that I shall be able so to discharge the trusts which I have this day assumed, as to merit and receive your approbation and that of our common constituency.

The object of the Convention having been accomplished, the Senators withdrew to their chamber.

IN ASSEMBLY.

The following report was made:

By Mr. Henry:

MR. SPEAKER:—The delegation from San Luis Obispo, to whom was referred Assembly Bill, No. 8, Concerning Roads and Highways in said County, reports the same back, and recommend its passage.

B. M. HENRY.

The rules were suspended, and Assembly Bill, No. 8, above reported, considered engrossed, read third time, and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 13, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have, this day, approved Assembly Bill, No. 211, An Act to extend the time for the Sheriff of Sacramento City and County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 6, An Act to appropriate money to furnish the Governor's office.

MILTON S. LATHAM,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 13, 1860.

To the Honorable the Assembly of California:

I have the honor, herewith, to transmit and invite your immediate attention to certain papers of considerable interest, concerning Indian Hostilities now prevailing in Mendocino County.

Several months ago my predecessor found it necessary, during the recess of the Legislature, to call out a small volunteer force to repel Indian aggressions in that vicinity.

The frequent engagements and slaughter, the difficult mountain marshes, the occasional capture of prisoners, the alleged ferocity of the particular tribes concerned, and their determination to decline all terms offered, form the subject matter of several of the annexed reports of Captain Jarboe, who is in command of the volunteer force.

The relief usually granted in similar cases has been to authorize the Governor to call out a volunteer force. It has been found indispensable to provide a specific appropriation out of the General Fund. I cannot too much recommend that the data and vouchers that will justify your action in the present case be collected and preserved in a lucid form, so as to serve the State in its application to Congress for repayment.

But one suggestion occurs to me after a careful perusal of the papers herewith transmitted, and I beg leave respectfully to offer it for your consideration.

The force called out should be respectable in point of numbers; a small command serve rather to provoke, than to crush, resistance. It can hardly make, much less guard, prisoners. It is too often compelled to resort to such means, in order to inspire terror, as seem to argue extreme cruelty, which insufficiency of numbers alone has made apparent cruelty of unfortunate necessity.

Trusting to your prompt and energetic action, I commit this important matter to your hands.

MILTON S. LATHAM,
Governor.

The above message and accompanying documents were referred to the Special Committee, appointed on yesterday, and the Committee had time extended until Monday next to report.

Mr. Rogers, of San Francisco, introduced Assembly Concurrent Resolution, Relating to the formation of a Territorial Government by the six southern Counties of this State.

Referred to Committee on Federal Relations.

The following resolutions were offered by Mr. Welty:

Resolved, That the Sergeant-at-Arms be instructed to rent three rooms in Garwood's Building for the use of the committees of the Assembly; *provided*, the rent for said three rooms shall not exceed fifty dollars per month. Also, that he carpet and furnish the same with suitable tables and chairs; *provided*, that, so far as the same can be done, such carpeting and furniture as is now owned by the State be used.

Resolved, Also, that the Judiciary Committee and the Committee of Ways and Means be authorized to employ a Porter to take charge of said rooms, at a per diem not exceeding four dollars.

Mr. Lamar moved to insert the name of George Josselin as Porter.

Lost.

The resolution was adopted.

Mr. Welty presented an account of the Post Office for postage.

Referred to the Committee on Claims.

NOTICE OF BILLS.

Notice of the introduction of bills was given:

By Mr. Wescott, An Act for the relief of William T. Barbour.

By Mr. Sawyer, An Act to appropriate money to pay R. A. Thompson and Ferris Forman for services rendered and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six.

By Mr. Swan, An Act supplementary to "An Act to repeal the several acts incorporating the city of Benicia, and to provide for the government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, An Act to authorize the Administratrix of the estate of John McKenna, deceased, to sell real estate at private or public sale;

Also, An Act limiting the termination of corporations in certain cases.

INTRODUCTION OF BILLS.

Bills were introduced:

By Mr. Henry, An Act to authorize John Wilson to sell certain lands in San Luis Obispo County, belonging to his infant son, John D. Wilson.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lamar, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the collection of the same.

Read first and second times and referred to the Committee on Ways and Means.

By Mr. Lambert, An Act amendatory of an Act entitled "An Act for the relief of Insolvent Debtors and protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Welty, An Act to provide for taking Delivery Bonds in cases wherein personal property has been levied on by virtue of writs of attachment and execution.

Read first and second times and referred to the Judiciary Committee.

On motion of Mr. Schmidt, at one o'clock, P. M., the House adjourned to Monday morning at eleven o'clock.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 16th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members were absent, viz: Messrs. Burson, Covarrubias, Crowell, Daggett, Goodman, Groom, Heston, Hundley, Johnson of Amador, Johnson of Sierra, Lawrence, Lovell, Malarin, O'Rear, Phelps, Rogers of San Francisco, Theller, and Tilton.

Mr. Goodman had leave of absence for three days; Mr. Lovell for two days, and Messrs. O'Rear, Daggett, Theller, Rogers of San Francisco, Burson, Babcock, Phelps, and Covarrubias, for one day each.

The Journal of Saturday last was read and approved.

REPORTS.

Reports were made as follows:

By Mr. Sawyer:

MR. SPEAKER:—The Delegation from the City and County of San Francisco, to whom was referred Assembly Bill, No. 19, entitled An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same,'" passed May first, one thousand eight hundred and fifty-one, approved April twentieth, one thousand eight hundred and fifty-eight, have had the same under consideration and recommend the passage of the same without amendment.

FRED. A. SAWYER,
For the Delegation.

By Mr. Swan:

MR. SPEAKER:—The delegation from Solano, to whom was referred Assembly Bill, No. 32, entitled An Act to extend the time for collecting Taxes in the County of Solano, begs leave to report that he has had the same under consideration, and recommends its passage without amendment.

SWAN.

The rules were suspended and Assembly Bill, No. 32, above reported, read third time and passed.

By Mr. Smith, of Sutter:

MR. SPEAKER:—Having examined Assembly Bill, No. 33, An Act to

extend the time for the Tax Collector of Sutter County to collect the Taxes in said county and make his final settlement with the Auditor, referred to the Sutter Delegation, reports the same back and most respecfully recommends its passage.

SMITH,
Sutter Delegation.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Johnson, of Sierra:

Resolved, By the Assembly, the Senate concurring, that the State Printer be authorized to print five hundred copies each of the Governor's Message, Inaugural Address, and the Report of the Superintendent of Public Instruction in the German language.

Laid over under the rules for one day.
Mr. Johnson moved a suspension of the rules, which the House refused.
By Mr. Welty:

That four hundred and eighty additional copies of Assembly Bill, No. 13 be printed.

Laid over under rule.
By Mr. Rodgers, of Tuolumne:

Resolved, That the Chief Clerk of the Assembly be authorized to appoint such number of Clerks as may be necessary, the number not to exceed five. Two of said Clerks shall be paid eight dollars per day, two shall be paid seven dollars per day, and one shall be paid six dollars per day.

Mr. Lamar moved to refer the resolution to a Special Committee of three, to be appointed by the Speaker.
Messrs. Lamar, Gwinn, and Conness, were appointed such committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 14th, 1860.

MR. SPEAKER:—The Senate have this day passed Senate Bill, No. 21, An Act to fix the compensation of the District Attorney of Calaveras County.

J. R. BEARD,
Secretary Senate.

Senate Bill, No. 21, above reported, read first and second times and ordered on file.

SENATE CHAMBER,
January 16th, 1860.

MR. SPEAKER:—The Senate on Saturday refused to concur in Assembly amendments to Senate Concurrent Resolution, No. 16, so far as regards striking out the words "four hundred and eighty" and inserting "three

thousand" copies of Report of State Agricultural Society, and have concurred in other amendment.

J. R. BEARD,
Secretary of Senate.

The House receded from Assembly amendment to Resolution, No. 16, above reported.

NOTICE OF BILLS.

Notice of the introduction of bills was given:

By Mr. Wilkins, An Act to provide for the publication of the Laws and Decisions relative to the Civil Practice of this State, in force at the expiration of the eleventh session of the Legislature;

Also, An Act to grant to A. P. Overton, and others whom he may associate with him and their assigns, the right of laying a railroad track along certain streets in the city of Petaluma and through a public road in the county of Sonoma;

Also, An Act to provide for the payment of volumes twelve and thirteen of the Reports of the Supreme Court of the State of California;

Also, An Act to extend the time for collecting Taxes in the County of Sonoma.

By Mr. Lamar, An Act to reduce the present rates of taxation upon taxable property.

By Mr. Bailey, of Tuolumne, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the city of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved April seventh, one thousand eight hundred and fifty-seven.

By Mr. Hayes, An Act to prevent Chinese or Mongolians from working and to prohibit them from claiming or holding mineral lands in this State.

By Mr. Williams An Act to amend the "Act to authorize married women to transact business in their own name," passed April twelfth, one thousand eight hundred and fifty-two.

By Mr. Shelton, An Act to enable County Judges to alternate.

By Mr. Stevenson, An Act for the improvement of the navigation of the Sacramento River.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Williams, An Act to amend "An Act to exempt the homestead and other property from forced sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Lawrence, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc*.

Read first and second times, and ordered on file.

By Mr. Swan, An Act supplemental to an Act entitled "An Act to repeal the several acts incorporating the City of Benicia, and to provide for the government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act to authorize the Administratrix of the Estate of John McKenna, deceased, to sell Real Estate of deceased at private or public sale.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams, An Act authorizing the Board of Supervisors of Santa Clara County to make an annual appropriation to the Santa Clara Valley Agricultural Society, and legalizing an appropriation heretofore made.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

THIRD READING OF BILLS.

Assembly Bill, No. 26, An Act to extend the time for collecting Taxes in the County of Contra Costa.

Read third time and passed.

GENERAL FILE.

Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six.

Ordered engrossed.

The account of the Post Office, for Postage Stamps, was referred to the Committee on Accounts and Expenditures.

At twelve o'clock, M., on motion of Mr. Shannon, the House adjourned until to-morrow morning, at eleven o'clock.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 17th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent: Messrs. Johnson of Sierra and Shelton.

The Journal of yesterday was read and approved.

REPORTS.

Reports were made as follows:

By Mr. Howe:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 3, An Act concerning the County Records of San Luis Obispo, have considered the same, and report the bill back, recommending its passage.

The same committee, to whom was referred Assembly Bill, No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its boundaries, and to provide for its organization," approved April nineteenth, one thousand eight hundred and fifty-five, have considered the same, and report the bill back, recommending its passage.

ROBERT HOWE,
Chairman.

Assembly Bills, Nos. 3 and 21, above reported, placed on file.

By Mr. Bailey of Santa Clara:

MR. SPEAKER:—The delegation from Santa Clara and Contra Costa counties, to whom was referred Assembly Bill, No. 30, An Act amendatory of "An Act to provide revenue for the support of the Government of this State, so far as said Act relates to the Counties of Santa Clara and Contra Costa," have had the same under consideration, and report the same back to the House, and recommend its passage.

D. B. BAILEY.

Assembly Bill, No. 30, above reported, placed on file.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Rodgers of Tuolumne:

Resolved, That so much of the Governor's recent Annual Message, and of the Inaugural Address as relates to Finance, be referred to the Committee on Ways and Means, with a request that they report at their earliest convenience such amendments to the Revenue Bill as they may deem proper; and so much of the Message and Inaugural Address as relates to the State Prison, be referred to the Committee on State Prison, with a request that they give their immediate attention to the matter; and that so much of the Inaugural Address as relates to a Bulkhead, be referred to a Select Committee of seven; and that so much of said Message and Inaugural Address as relates to Roads and Overland Mails, be referred to the Committee on Federal Relations.

Mr. Henry moved to lay the resolution on the table.
Lost.
Mr. Welty moved to strike out that part of the resolution relating to the Bulkhead.
Carried.
Mr. Lamar moved to strike out "Internal Improvements," and insert "Federal Relations."
Carried.
And the resolution as amended was adopted.
By Mr. Stevenson:

Resolved, That the Committee on Claims be, and they are, empowered to employ a Clerk whenever they may deem his services necessary.

Lost.
By Mr. Williams:

Resolved, By the Assembly, the Senate concurring, that the Judiciary Committee of the Senate and Assembly form a Joint Committee for the consideration of all bills proposing amendments to the Practice Act.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Lamar, An Act to provide for transcribing certain Records from the Recorder's Office of Sonoma County.

By Mr. Wilkins, An Act granting to A. P. Overton and others, whom he may associate with him, and their assigns, the privilege to erect a Wharf on Petaluma Creek, in Sonoma County, and collect wharfage.

By Mr. Jenkins, An Act to amend an Act entitled "An Act to provide for the sale of the sixteenth and thirty-sixth sections of Land donated to this State, for School Purposes, by Act of Congress," passed March third, one thousand eight hundred and fifty-five, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

By Mr. Pate, An Act to repeal an Act entitled "An Act for the protection of Settlers, and to quiet Land Titles in this State," approved March twenty-sixth, one thousand eight hundred and fifty-six.

By Mr. Welty, An Act to change the name of Franklin Ralf Jones to Franklin Ralf.

By Mr. Babcock, An Act to authorize William Green and Michael Hayes, their associates, and assigns, to construct and keep in repair a certain street in the City and County of San Francisco, and to levy and collect Tolls thereon.

By Mr. Rogers of San Francisco, An Act to extend "An Act concerning Hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa," approved March twenty-sixth, one thousand eight hundred and fifty-seven.

By Mr. Laspeyre, An Act for the relief of J. W. Marshall.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lamar, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the support of the Government of this State,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Goodman, An Act amendatory of, and supplementary to, An Act passed April nineteenth, one thousand eight hundred and fifty-six, concerning Estray Animals.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Wilkins, An Act to extend the time for collection of State and County Taxes in the County of Sonoma.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, An Act to grant to A. P. Overton and others, whom he may associate with him, and their assigns, the right of laying a Railroad Track along certain streets in the City of Petaluma, and through a Public Road in the County of Sonoma.

Read first and second times, and referred to the Committee on Internal Improvements.

Also, An Act to provide for the payment of Volumes Twelve and Thirteen of the Reports of the Supreme Court of the State of California;

And, An Act to provide for the publication of the Laws and Decisions Relative to the Civil Practice of this State, in force at the expiration of the Eleventh Session of the Legislature.

Which were read first and second times, and referred to the Judiciary Committee.

By Mr. Bailey of Tuolumne, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved January seventh, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Williams, An Act to amend an Act entitled "An Act to authorize Married Women to transact business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Smith of Sutter, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-eighth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Welty, An Act to prohibit the sale and disposal of Audulterated, Spirituous, or Alcoholic Liquors, Wines, or Cider.

Read first and second times, and referred to Committee on Public Morals.

By Mr. Rogers of San Francisco, An Act to amend "An Act to regulate proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shelton, An Act to enable County Judges to alternate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Swan, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to Committee on Commerce and Navigation.

GENERAL FILE.

Senate Bill, No. 21, An Act to fix the compensation of the District Attorney of Calaveras County, read third time, and passed.

Assembly Bill, No. 33, An Act to extend the time for Tax Collectors of Sutter County to collect the Taxes in said County, and make his final settlement with the Auditor, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc*, rules suspended, considered engrossed, read third time, and passed.

Mr. Williams had leave to introduce the following bill:

An Act in relation to the names of persons residing in California.

Read first and second times, and referred to the Judiciary Committee.

UNFINISHED BUSINESS.

Assembly Concurrent Resolution, No. 19, Relative to printing the Governor's Message in German, was taken up.

Mr. Howe moved to amend by adding: *provided*, that the translation of the same does not exceed the sum of twenty-five cents per folio.

Adopted.

Mr. Laspeyre moved to amend by inserting "five hundred copies in Welch."

Mr. Stevenson moved the previous question, which was sustained, and Mr. Laspeyre's amendment lost.

On the adoption of the resolution, as amended, Messrs. Conness, Stevenson, and Rodgers of Tuolumne, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conness, Covarrubias, Crowell, Curtis, Dunlap, Fairchild, Gallagher, Groom, Gwinn, Hammond, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Sierra, King, Lamar, Lambert, Lawrence, Lewis, Lovel, Malarin, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Walden, Warner, Watson, Welty, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—54.

NOES—Messrs. Bailey of Santa Clara, Burson, Coombs, Ellis, Goodman, Haliday, Halsted, Harville, Hawley, Hundley, Johnson of Amador, Kungle, Laspeyre, Makins, Maxson, O'Connor, Patten, Shannon, Stone, Swan, and White—21.

Mr. Stevenson moved to reconsider the vote by which the resolution was adopted.

Mr. Lawrence moved to indefinitely postpone the motion to reconsider.

The Speaker having decided that it was in order to move a reconsideration on the same day, Mr. Gwinn appealed, and the decision of the Chair was sustained.

Mr. Lamar moved to adjourn.

Lost.

The motion to indefinitely postpone the motion to reconsider, was lost, and the House refused to reconsider.

Mr. Conness gave notice of reconsideration, and also of an amendment to Rule Fifty-Seven.

REPORTS.

Reports were made as follows:

By Mr. Beach:

MR. SPEAKER:—The Engrossing Committee have examined, and report as correctly engrossed the following bills:

Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 8, An Act concerning Roads and Highways in certain Counties therein named.

Also, Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County to make an annual appropriation to the Santa Clara Agricultural Society, and legalizing an appropriation heretofore made.

BEACH,
Chairman.

By Mr. Crowell:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Senate Bill, No. 16, An Act to amend an Act entitled "An Act amenda-

tory of, and supplementary to, an Act entitled 'An Act Concerning Estray Animals,'" passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

CROWELL,
Chairman.

At ten minutes past one o'clock, P. M., on motion of Mr. Howe, the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 18, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Mr. Johnson, of Sierra was absent.
The Journal of yesterday read and approved.

PETITION.

Mr. Williams presented a petition of Peter H. Burnett, for the payment of a balance due for salary as a Judge of Supreme Court.
Referred to the Committee on Claims.

REPORTS.

The following reports were made:
By Mr. Lamar, from the majority of Special Committee, to whom was referred Assembly Bill, No. 34:

MR. SPEAKER:—The undersigned, a majority of your Committee, to whom was referred Assembly Bill, No. 34, having had the same under consideration, report the same back, and recommend the passage of the accompanying substitute.

J. B. LAMAR,
JOHN DAGGETT,
WM. BURSON.

By Mr. Conness, from minority of same committee:

MR. SPEAKER:—The undersigned, a minority of the Special Committee to whom was referred Assembly Bill, No. 34, entitled An Act to provide for the organization of a company of Mounted Volunteers, to be employed under the direction and control of the Governor, and to appropriate money to defray the expenses of the same, have had the same under consideration and ask leave to make the following report:
They recommend the reference of the whole subject to the Standing Committee, on Indian Affairs of the House.
The undersigned waited on His Excellency the Governor and requested

him to take the earliest opportunity of communicating with General Clark, the commander of the Pacific Division of the United States Army, and to call upon that officer to take such action as might be found necessary to the preservation of peace and order in the counties of Humboldt and Mendocino in this State.

The Governor stated that he would to-day address General Clark upon the subject, and would communicate the answer to the Legislature as soon as it should be received at the Executive Department.

SHELTON,
CONNESS.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEP'T,
Sacramento, January 18th, 1860.

To the Honorable the Assembly of California:

I herewith transmit, for the consideration of your Honorable body, the report of Adjutant-General Kibbe, with other documents, relating to the late expedition commanded by him in suppressing Indian hostilities in Tehama and adjoining counties, the aggregate expenses of which, according to the report, amount to the sum of sixty-nine thousand four hundred and sixty-eight dollars and forty-three cents.

While I admit the necessity which led to this expedition, and freely acknowledge the eminent services rendered by the officers and men composing the command, the expenses, so large in amount, would seem to demand a rigid scrutiny.

If it be intended to pay these expenses by direct appropriation of money, a few such will bankrupt the State treasury.

I recommend that the whole subject be referred to a committee, with power to send for persons and papers, with a view to a thorough investigation.

We have now a full treasury and are enabled to pay all immediate demands upon it in cash. If these appropriations are continued according to the precedent established at the last session of the Legislature, instead of being able to reduce taxation, as recommended by one of my immediate predecessors, we will have to fall back on the old scrip basis, which proved so ruinous to the interest of the State.

Expenses of this nature are legally chargeable to the General Government, and it would seem advisable to issue bonds as evidence of indebtedness against the State, instead of a direct appropriation of money.

JOHN G. DOWNEY,
Governor.

REPORT OF QUARTERMASTER AND ADJUTANT-GENERAL.

OFFICE QUARTERMASTER AND ADJUTANT-GENERAL,
Sacramento, California, January 16, 1860.

To His Excellency,
JOHN G. DOWNEY,
Governor of California:

SIR:—I have the honor to report, that in obedience to the orders of one of your Excellency's immediate predecessors, issued on the second of August, A. D. one thousand eight hundred and fifty-nine, I proceeded to Tehama County, and on the sixteenth of the same month, organized a company of volunteers, with which I at once took the field in pursuit of

those Indians whose frequent hostilities had given rise to the necessity for such an expedition. Their depredations were chiefly confined to the white population of that tract of country extending from Butte Creek on the south, to the head of Pitt River on the north, embracing an extent of more than one hundred miles square, with rugged and lofty mountains, precipitous defiles, hidden valleys, and secure fastnesses intervening, to which they retreated for security after having made a sudden and successful foray, driving off the stock, destroying the improvements, and not unfrequently murdering in cold blood the defenseless inhabitants of that sparsely settled region. Indeed, in the tract of country designated, these Indians have recently had almost exclusive occupancy and control, numbering, as they did, from fifteen hundred to two thousand souls, in their collected tribes or bands; they became insolent, because they believed themselves formidable, and capable of defending their strongholds against whatever force might be sent against them. This self-confidence was inspired by the inaccessible nature of the country which they inhabited, the great success which had heretofore attended their frequent depredations; the facility with which they always eluded the search of the regular troops and small parties of volunteer citizens; the latter hastily collected together from the surrounding population for mutual defense and protection, and whose limited supply of arms, munitions, and provisions, rendered it impossible for them to pursue and properly chastise an enemy as powerful as he was watchful and ingenious. On the contrary the Indians were well armed—after their peculiar style of warfare—seemed to be amply supplied with provisions—had a correct topographical knowledge of the country, and were exceedingly expert in the exchange of telegraphic signals, by which communication was kept up between distant portions of the same tribe; the approach and number of an invading foe discovered; the direction of their march indicated, and such important facts ascertained as to enable them to make good their escape; and thus for a long period of time to avoid that severe punishment which their numerous outrages had richly merited. During the last four years, between thirty and forty persons were killed by these Indians. They had set fire to, and consumed, entire fields of grain and grass, besides pillaging, and afterwards burning, the houses and cabins of the settlers.

Several expeditions, numbering respectively from fifteen to thirty men, although fitted out with an express view to take summary vengeance upon these despoilers of human life and property, had completely failed in their object; and even at the time when the troops under my command took the field, so bold had the Indians become, that they were extending their exploits, rapine, and murder—even into the immediate neighborhood of the camp of the regular troops—from whom, they appeared to entertain not the slightest apprehenson of arrest or punishment. Knowing these facts, and having succeeded in collecting together as brave and effective a company of officers and men as any country could produce, most of them experienced mountaineers and Indian-hunters, I entered at once upon the duty, heretofore found so very difficult, of penetrating to the very haunts of the savages, with a view to conquer, and, if possible, rid the country forever of their presence.

The command was divided into three detachments, under charge, respectively, of Capt. Byrnes and Lieutenants Bailey and Shull. These separate detachments were directed to approach and enter the Indian country at different points. The plan of moving upon, and attacking, the rancherias of the Indians at night, I had learned by experience, was the best and only one calculated to be attended with happy results.

Notwithstanding the great hazard of this mode of warfare, it was willingly and cheerfully acquiesced in by officers and men, who at once entered upon the duty assigned them—penetrating into every river valley, creek, cañon, and gulch; clambering rugged mountain sides; threading their way amid interminable forests of timber; wading through marshes; over swollen streams; encountering snows; surmounting jagged rocks —in fact, exposing themselves to all kinds of danger and fatigue, with a courage of endurance which cannot be too highly approved and commended.

It seems almost incredible that a body of ninety men, operating in different detachments, over so wide a space of broken and difficult country, could accomplish so much as those under my command have done, in so short a time. As fast as a particular locality was cleared of Indians, a detachment was left for a limited period, instructed to scout continually, with the view of discovering and preventing any attempt at return. In every instance the object designed by this precautionary measure was effectually secured. From time to time small parties of Indians were captured, until the southern portion of the country operated in contained not a warrior to offer resistance. The intermediate section was next visited, and the Indians occupying it, after several severe skirmishes, were compelled to flee for safety to the country occupied by the Pitt River and Hat Creek Indians, with whom they were intimately connected, and where they doubtless felt themselves secure from further pursuit. In the meantime, Callahan, McElroy, Wells, and others, had been murdered by them.

The Pitt River and Hat Creek country was regarded by the Indians as impregnable. There was a fastness here from which those who defended it had never been driven. Many attempts at dislodgment were made by bands of citizen soldiers and the regular troops. None of these proved successful. At, or near, this point I succeeded, after seven or eight days of hard scouting, in capturing two Indians. My intention being to obtain an interview with the principal chief, make known to him the object of the expedition, (which was not to kill if the Indians would surrender,) to propose the terms of such surrender, and, if possible, ascertain the motive which actuated him and his people in their hostile proceedings. The desired interview was had, and resulted favorably to my expectations. The principal chief promised, with his whole tribe, to meet me the next day and proceed at once to one of the reservations. The consequences of a failure to comply with his promise were fully represented to him, notwithstanding which his pledge was broken.

Two nights afterward I attacked the Indian stronghold with forty men, completely routing those who defended it, killing several of their number and taking others prisoners; those who escaped were pursued. A number of engagements subsequently occurred with them, in which a great number were killed and captured.

After a vigorous pursuit of five weeks this chief sent in eight of his tribe, who said they had fought long enough, and that they desired to become reconciled to, and accept, the terms proposed to them. They came in to the number of four hundred and fifty, and were received in a spirit of kindness. To revert to all the different skirmishes and scouts which took place would occupy too much space for my present purpose. Although justice to the gallant volunteers might seem to demand that this data should be given, suffice it to say, that the enemy were routed from every position, whether taken to elude their pursuers or for the purpose of defense, and were finally compelled unconditionally to surrender.

Out of the whole number of Indians fought about two hundred warriors were killed, and twelve hundred taken prisoners. No children were killed, and but one woman, during the whole campaign. As an evidence of the intrepid bravery of these Indians I would state that on one occasion some fifteen or twenty of their warriors ensconced themselves in an almost inaccessible cañon among rocks, and dared an equal number of my command to fight them. The challenge was at once accepted, and the engagement commenced. It continued for upwards of an hour, by which time all of the enemy were killed, except one, who effected his escape. Not a man of the volunteers was killed, and but two wounded. During this fight, as in all the others, an interpreter was present, who called upon the Indians to surrender, with the understanding that they were to be kindly dealt with; but they refused to accept the conditions proffered.

It gives me pleasure to be able to report to your Excellency that this war has been brought to a successful termination. The tribes of Indians engaged in it, whose frequent acts of violence and atrocity had rendered them a terror to the region of country over which they roamed, are completely vanquished and subdued.

A permanent peace I hope has been secured, a peace which was conquered and which has for its tenure a much more enduring and reliable basis than the mere forms of treaty stipulations, too often misunderstood by the wily savages, and, when understood, as frequently violated to suit their own designs and convenience. Twelve hundred of these Indians were captured, and are at the present time comfortably provided for at one of the government reservations, where by good conduct and a moderate degree of industry, it is hoped the blessings of civilized life may forever be secured to them and their posterity.

There is reason for gratulation, when the immediate benefits resulting from a conclusion of this war are considered, and its remoter favorable influences should also be taken into the account. It is a salutary lesson to the tribes occupying territory contiguous to the scene of action, which they will not be likely soon to forget. It has taught them the certainty of the punishment which must sooner or later overtake them, for their hostile visitations upon the persons and property of the whites; the irrevocable nature of the destiny which awaits them in their uncivilized condition; how utterly unable they are to cope with the great nation of people who are daily taking possession of the soil, and converting it from a wilderness into vineyards and fields of waving grain; the immense superiority of this people in numbers, energy, and intelligence; the fatal and unerring precision of their improved implements of warfare; their sleepless vigilance in pursuit of a foe; their stealthy movements, both by night and day, even upon an Indian trail; their indomitable bravery in battle; their exalted magnanimity in exempting women and children from slaughter; in fine, it has taught them, that by laying down their arms and submitting to the terms proposed by the whites—who must eventually become their conquerors, if not their destroyers—their condition is greatly improved; and the alternative offered, if not precisely in accordance with their natural tastes and habits, is at least calculated to secure their comfortable nourishment and protection, with the superadded probability of elevating them in the scale of moral and intellectual greatness. I am happy in being able to bear testimony to the prompt, skillful, and fearless manner, in which the officers and men under my command, separately and collectively, discharged the dangerous, arduous, and responsible duties devolving upon them. Captain Byrnes was an experienced and accomplished Indian fighter, with courage and discretion equal

to every emergency. I was particularly fortunate in having his support at the head of one of the detachments throughout the entire campaign. I was also ably sustained by Lieuts. Bailey, Shull, McCarty, and Longley. Between these highly capable and efficient officers, it would be injustice to discriminate. There was no exposure, no peril, which each and all were not willing cheerfully to encounter—no service from which they shrank. At all hours of the day and night, with the brave men under their command, they were ready either for a march, a skirmish, or a battle, and never, for a single instant, did they falter in the hour of trial, whether on a difficult and dangerous pursuit, fording swollen streams, wading to their wastes through snows, encountering chaparrel swamps, overcoming broken declivities, penetrating secret defiles, struggling among jagged and crumbling rocks, or encountering the enemy in a hand-to-hand conflict.

These gallant soldiers deserve well of the State. They volunteered in her service, not with the hope of pecuniary gain—that idea is forestalled by the paltry amount offered for their services—but because a demand was made upon their patriotism, to which they instantly and cheerfully responded, forsaking their profitable avocations, and, in many instances, their comfortable homes, to undertake the trials, hardships, and hazards, of an Indian campaign. Having nobly and satisfactorily performed their duties, and ended the war in a manner which promises to be of lasting benefit to the State, it gives me pleasure to commend them to the generous consideration of the present Legislature.

In this connection of praise, the Surgeon of my command, Dr. A. W. Taliaferro, deserves to be especially noticed. Under all circumstances, and at all times, requiring the exercise of his skill, he was found to be more than equal to the delicate and responsible duties of his profession. His efforts were, in every case, attended with eminent success, which is, perhaps, the highest compliment that could be paid to his acknowledged scientific talents and attainments.

The expedition was singularly fortunate in its exemption from casualties. Not a single life was lost, and the wounded all recovered.

The Commissary Department was under the management of S. D. Johns, who was found to be a very efficient officer, and who, by the practice of a rigid economy, kept down the expenses of that branch of the expedition to the lowest possible figure, besides rendering valuable and effective service in the field.

The expenses of the expedition will be found to be exceedingly moderate, when all the circumstances are considered and compared with similar expeditions heretofore called out on this coast, extremely low. They are therefore submitted to your Excellency and the Legislature, in the full belief that they will prove entirely satisfactory.

Every article of supply purchased, however, was procured with the understanding that the State would promptly pay the bills, which fact, it is hoped your Excellency will not fail to make known, with a view of having a sufficient appropriation passed for their liquidation.

The aggregate expenses of the expedition, exclusive of the pay of men, is fifty-eight thousand four hundred and fifty-eight dollars, from which is to be deducted, for clothing and articles stopped against the pay of the men, the sum of eight thousand nine hundred and eighty-nine dollars and fifty-seven cents, which leaves forty-nine thousand four hundred and sixty-eight dollars and forty-three cents, ($49,468 43) as the total expense incurred, exclusive of the pay of the men. The amount of their pay, using the schedule adopted by the act making the appropriation for the

expedition in Humboldt and Klamath counties, A. D., 1858-9, called into service under similar auspices, would amount in round numbers to twenty thousand dollars, ($20,000,) and leave as the total expense of the expedition the sum of sixty-nine thousand four hundred and sixty-eight dollars and forty-three cents, ($69,468 43.)

It will be ascertained, upon consulting the vouchers on file in my office, and should be borne in mind, that nearly one-fourth of this whole amount of expense was incurred in the subsistence and transportation of Indian prisoners captured by the command. These prisoners numbered over twelve hundred, and were transported a distance of from two hundred and fifty to seven hundred miles, the cost of which was fourteen thousand and thirty dollars and forty-five cents.

This campaign has been accomplished in the brief period of four months, which, when the smallness of the force employed, the wide and difficult nature of the country explored, and the success attending the expedition are considered, must be regarded as a result which none but accomplished mountaineers and brave soldiers could accomplish.

The region traversed is probably the roughest and most difficult for a white man to traverse of any on the Pacific coast, and affords the best and greatest number of hiding places for the Indians. It is not only mountainous, rugged, precipitous, and broken, but is also interspersed with hundreds of valleys and lakes, in which head the numerous streams emptying into the Sacramento River, from Butte Creek to Pitt River. These valleys produce the finest qualities of grass, sufficient to sustain, annually, at least one hundred thousand head of stock, and will, I predict, be rapidly settled by our enterprising citizens.

Some twenty-five families of this year's immigration, have already taken up claims in these valleys. And this is the country which has been hitherto almost exclusively occupied by Indians, through which runs the great thoroughfare from the Sacramento Valley to the extreme north, and over which millions of dollars worth of merchandize is annually transported; from a statement of which facts, the importance, utility, and necessity, of the expedition can, I trust, be readily comprehended by citizens of all portions of the State.

It affords me pleasure to state, also, that the citizens, generally, residing near the field of operations have co-operated with the expedition.

Respectfully submitted.

I have the honor to be,

Your obedient servant,

WILLIAM C. KIBBE,

Quartermaster and Adjutant-General, State of California,

Commanding Expedition.

CORRESPONDENCE.

[Amos Figel and others to Gov. John B. Weller.]

PAYNE'S CREEK, Tehama Co., May 9th, 1859.

To His Excellency,

JOHN B. WELLER,

Governor of the State of California:

SIR:—We, your petitioners, would most respectfully represent unto your Excellency that we are citizens of Tehama County, and residents of the vicinity of Antelope and Deer creeks in said county; but we have suffered, and are suffering, from frequent depredations committed by the

Indians inhabiting the mountains on the eastern border of this county. Such being the case, we deem it perfectly proper to ask at your hands that assistance and relief that has been given to other sections of the country that are subjected to depredations of like character, and pray that your Excellency will give this matter your most serious consideration. We remain yours,

Amos Figel,	Pop. Mooney,
Thomas W. Crumley,	Thomas Bird,
Judson Inks,	B. Hucker,
G. M. Hoyt,	W. Jelly,
J. F. Dye,	Walter Matey,
W. Salem,	H. C. Dougherty,
William Klinks,	J. Casten,
J. F. Martin,	J. Bedenhamer,
Thomas R. King,	J. W. Sebastian,
F. Fack,	R. N. Riggs,
J. Bennett,	J. D. Riggs,
F. W. Figel,	C. Hally,
E. Hickman,	G. R. Beardsell,
J. E. Swink,	J. Earl,
J. S. Copeland,	Martin S. Brimer,
D. W. Hooker,	G. Donald,
T. S. Hickman,	E. Clark,
Albert Grayland,	James Clark,
John M. Sharkyard,	R. S. Furnick,
Henry S. Shakeyard,	G. W. Hoog,
Thomas B. Hickman,	E. N. Clark,
John D. Bacon,	N. M. Mansfield,
T. A. Steine,	G. W. Denton,
Green Hall,	G. W. Stafford,

[James W. Smith and others to Gov. John B. Weller.]

Red Bluff, May 14, 1859.

To His Excellency,
John B. Weller,
Governor of the State of California:

Sir:—The undersigned, citizens of Tehama County, would most respectfully represent to your Honor, that the Indians living in the mountains on the eastern border have been for many months committing depredations on the white residents of the valley by running off and killing stock of all kinds, and, within the last four days, have commenced a more fearful and calamitous warfare—that of burning houses at the still hours of night, when the inmates are asleep. We can cite two instances: On the night of the eleventh instant the house of Col. E. A. Stevenson was fired by the Indians and burned, causing the death of two women and four children, and probably that of one man, and last night another house was fired and burned to the ground, the inmates narrowly escaping. We have unmistakeable evidence that it is the work of Indians. Now, therefore, we most earnestly pray that you take immediate steps to send us relief, and we will ever pray.

James W. Smith,	E. A. Stevenson,
Thomas J. Butler,	W. N. Foryenor,

Barneb. Heel,
C. G. Fesher, Editor Beacon,
Elijah Pooman,
Frank Cary,
W. R. Fleison,
Dennis Dunn, Sheriff,
Stephen Lenn,
L. W. Elliott,
Charles G. Kapp,
B. C. Nushun,
F. Meek,
J. Granville Doll,
Warren Earl,
A. H. Staut,
Junius Chaffer,
R. S. Billis,
H. Newbaur & Co.,
John Hanson,
W. H. Murray,
O. R. Johnson,
Pat. McManus,
O. S. Allen,
G. S. Williams,
J. S. Morse,
J. Logan, Senator,
Dan. G. Waldron,
John Ramsower,
H. C. Dougherty,
Joseph Smith,
Nath'l Mutney,
N. M. Mayfield,
James Zumwait,
John Sebastian,
Seth Hooker,
G. W. Stafford,
Fred. H. Krouse,
David Hawley,
John Meyers,
T. Davis,
Joseph Winters,
H. Luckion,
Asa Didon,
E. B. Hawley,
E. Shipley,
W. G. West,
Peter O'Neil,
J. Fuller,
O. Everett,
Joseph Bieda,
J. Markenit,
O. H. Well,
R. B. Larmus,
J. C. Zeigle,
D. Ely,
N. J. Jabine,
Z. Reed,
L. M. Bishop, County Clerk,
S. D. Parker,
S. D. Fossick,
H. Robinson,
J. Powers,
Thomas F. Riggs,
S. Davitt Hubbell,
Richard Baker,
G. R. Beardsell,
G. Ray,
K. V. Bumpay,
Jeptha West,
James Hynes,
James Keith,
S. R. Dwight,
Henry Benney,
Daniel O'Keef,
Charles Hall,
Eugene Howard,
John Brady,
H. Snedeker,
Amneas Wyatt,
John Lyttle,
J. Drake,
David Fuller,
John J. Nover,
W. B. Lisbury,
M. A. Douglass,
Geo. Sherman,
O. L. S Colley,
Hill Beeschy,
J. Frinck & Co.,
F. Frinck,
F. Millen,
Dan'l F. Richards,
Martin Corrigan,
Jno. Monkman,
H. Lyman,
Benj. Birdsall,
W. Mooney,
H. C. Lovel,
D. Boyer,
D. Sands,
J. C. Clark,
John McLeish,
H. Allen,
O. Craig,
John B. Roberts,
D. Beers,
Jas. Spotts,
S. H. Youngs,
J. Browneser,
Jno. Prewelt,
Frank Simmons,

W. D. Olendorf,
C. A. Moory,
James B. Squire,
G. W. Lamarew,
Robert McNally,
B. G. Hooker,
W. E. Gillaspie,
John Stone,
L. M. Potter,
Jas. L. Luce,
Robert Baily,
Henn Smith,
J. R. Bradway,
C. B. Rawson,
Michael Buckmiller,
C. F. Russell,
C. O. Kane,
L. B. Gallow,
T. F. Sargeant,
J.Bird,
Leonard Weinegen,
W. Cutter,
E. W. White,
J. N. Williams,
J. Bolan,
John Wellington,
J. N. Hooker,
Peter Quinn,
R. W. Wilson,
Eugene Beandroit,
Wm. Riley,
Ellis Rusey,
P. Miner,
Sam'l Jaynes,
Frank Ingalls,
Fred. Frank,
J. W. Honey,
Lerensak Gallard,
B. Serensohn,
L S. Ely,
H. Craft,
David Barnhart,
D. B. Lyons,
Wm. Hatheway,
P. F. Lytle,
J. B. Norton,
J. D. Sage,
Frank Burge,
Pierch Church,
L. E. Smart,
E. S. Barney,
Prescott Sigenly,
John Lovey,
Robert McCartney,
J. Brownstein,

W. Payton,
Z. Rathbrun,
G. A. Miller,
Chas. J. Ward,
D. N. Bowers,
A. Taylor,
Jas. Denacy,
B. B. Simmons,
C. H. Sanborn,
J. P. Shaffer,
G. W. Read,
R. J. Mitchell,
A. Hansmen,
Joseph Earl,
D. Young,
S. G. Gregory,
M. N. Diestin,
Thomas Bassett,
W. Wilson,
Newman Chelson,
R. Layard,
Jocinte Bernal,
Emile Bastillos,
G. J. Prising,
J. McDaniel,
A. H. Wheeler,
Louis Fensier,
C. J. Juilliard,
Leopold H. Days,
N. Johnson,
John Shaffner,
F. Miller,
T. Manat,
W. B. Smith,
G. C. Flemery,
W. H. Chipman,
J. Magill,
A. C. Snider,
Rosenbaum & Schoenfield,
J. H. Noyes,
F. Marks,
J. S. Tiner,
J. W. Rosenburg,
Jos. Combs,
R. Loweny,
E. G. Reed,
J. R. Jones,
S. D. Clark,
Thos. M. Erving,
Thomas Haliston,
Henry Burrichter,
S. H. Noland,
Edward Green,
W. M. Carthy,
E. J. Lewis,

Joseph H. Chaffee,	J. C. Bradley,
C. P. Wales,	J. F. Bradley,
L. Crosby,	J. M. Shackelford,
G. L. Patten & Co.	J. Caverly,
Israel Comstock,	E. Hickman,
M. O. Merlin,	E. Swink,
Louis H. DeLange,	John Bowen,
Joseph B. Gilland,	B. F. Graham.

[Hon. Newell Hall and others to Gov. John B. Weller.]

To His Excellency,
JOHN B. WELLER,
Governor of the State of California:

SIR:—The undersigned, citizens of the county of Tehama, would most respectfully represent to your honor, that the Indians living in the mountains, on our eastern border, have been for many months committing depredations on the white inhabitants of the valleys, by driving off and killing stock of all kinds, and within the last few days have commenced a more fearful and calamitous warfare—that of firing and burning houses at the still hour of night, while the inmates are asleep.

We cite two instances. On the night of the eleventh instant, the dwelling of Col. E. A. Stevenson was fired by an Indian and burned, causing the death of two women and four children, and probably that of one man; and on the night of the fourteenth instant, another house was fired and burned—the inmates previously escaping. We have heard of three other families whose domiciles have been disturbed at night by Indians within the last week; but the yard dogs have kept them at bay and given the alarm. We have unmistakeable evidence that it is the work of Indians.

Now, therefore, we do most earnestly pray that you take immediate steps to send us relief and protection, and your petitioners will ever pray, etc.

TEHAMA, May 15th, 1859.

Newell Hall, County Judge,	J. Clark,
D. Finch,	A. Sumner,
Oliver Gerry,	A. Rapp,
Irwin Ayres,	A. J. Weneswelly,
H. S. Salsbury,	John Lee,
G. Merrett,	Joseph Levinson,
E. W. McCully,	E. W. Wade,
L. H. Sanborn,	J. P. Webster,
M. Tarter,	J. G. Lewis,
A. Thompson,	Albert Jackson,
G. W. Hepperswith,	Geordian Kraft,
A. S. Thomas,	Samuel Cloud,
L. Loomis,	P. Clark,
J. Farmer,	A. M. N. Gedding,
D. Salisbury,	Charles H. Bournse,
John Charlton,	Joseph Moran,
Robert Glinn,	Daniel Hussey,
Wm. Noman,	A. Duran,
J. W. Scott,	George S. Kirk,

W. C. Burgess,
Sam Allen,
Henry Baker,
Wm. Galland,
G. W. Geetney,
H. S. Sunterlin,
F. G. Barton,
Samuel B. Shea,
A. Wood,
A. Anderson,
J. W. Sherman,
P. H. Middlebrook,
G. H. Churchill,
W. H. Anderson,
John Simpson,
Henry Raumgarton,
S. A. Gye,
L. A. Gye,
John Kaufman,
Thomas McKinney,
J. S. Wilson,
J. Ward,
John Sprinks,
H. C. Hollingsworth,
J. A. Peters,
G. H. Garnett,
J. S. Banney,
John Swan,
L. Ambriss,
L. Shools,
John M. Grudemy,
John Hesse,
James Beverage,
Hugh Mooney,
E. B. Hand,

J. Rigg,
G. White,
J. C. Bailey,
S. Short,
Charles Warden,
N. F. Morris,
Eli Taylor,
C. B. Ule,
A. Carpenter,
O. Crutchfield,
George G. Winter,
L. Ward,
James Duncan,
N. B. Slopson,
David Jordan,
R. S. Nipon,
R. H. Denemy,
E. Houston,
F. B. Vosburgh,
J. M. Wimmer,
H. Crawford,
F. E. Gager,
S. A. Doane,
A. McIlvie,
J. S. Jones,
L. Morgan,
Jacob Conner,
J. A. Gill,
W. Green,
A. Pariman,
Charles Combs,
J. M. Betts,
William M. Burt,
A. Hall,
G. N. Tallman,

[Thomas James and others to Gov. John B. Weller.]

DEER CREEK, May 15th, 1859.

To His Excellency,
JOHN B. WELLER,
Governor of California:

SIR:—We, the undersigned, citizens of Tehama County, California, would respectfully represent that the Indians in the mountains on our eastern border have, for several months back, been driving off and killing our stock, and have also commenced firing and burning houses at night, while the inmates are asleep, in the settlements a few miles above us; and, as we are in like danger with our neighbors, we therefore most heartily join in the prayer of our distressed neighbors to your Honor for protection; and your petitioners will ever pray, etc.

Thomas James,
C. P. Stewart,
W. Bonfield,

P. Phillips,
G. G. Friend,
W. H. Kerstner,

G. R. A. Billan,	D. Allen,
A. J. Anderson,	F. Punselman,
P. A. McIntosh,	W. W. Blond,
G. W. Wright,	C. Gridley,
J. W. Delaney,	John Stone,
H. C. Sibley,	W. Archer,
John Grimes,	S. L. Discus,
L. W. Moore,	Selem Lasblay,
N. J. Sloan,	John Tatem,
J. M. Hoyle,	John Breckenridge,
John Taloe,	A. Williams,
Lewis Harslin,	George Williams,
David F. Hoyt,	John Huff,
S. Mullen,	John Cockel,
Albert Story,	Dennis Eddy,
N. W. Brolle,	P. C. Grath,
John F. Martin,	Marion M. Glee,
P. W. Dequire,	F. Noland,
J. D. B. Montgomery,	J. B. Ryan.

[Messrs. Harrison and Bradley to Gov. J. B. Weller.]

Red Bluff, May 16th, 1859.

To His Excellency,
John B. Weller,
Governor of the State of California:

I take the liberty of addressing you this letter for the purpose of informing you of the dangers in which we find ourselves, in consequence of the depredations of the Indians here. On Friday night the house of Mr. Seth Hooper was burned to the ground, with all the household furniture, provisions, etc., that he owned. Last night they were prowling around my house, and attempted to steal my horse. On Saturday evening they were at Mr. Hickman's, attempting to steal his horses. Since last Friday night we have been compelled to guard our houses and property all night, for the security of our families, as the only means of safety. Our harvest is now so close, and in fact our haying has commenced, and it is impossible to pursue them into the mountains without irreparable loss. We, therefore, desire that you should use the means in your power to give us that protection which we have a right to demand from the government.

W. R. HARRISON,
J. C. BRADLEY.

P. S.—We most cordially recommend to your favorable consideration Captain Messick of Trinity County, as the most efficient man to take charge of the expedition.

W. R. H.,
J. C. B.

Red Bluff, May 27th, 1859.

At a meeting of the citizens of Tehama County, held at the Masonic Hall at Red Bluff, for the purpose of conferring with Captain Flint, of the United States Army, now under orders near this place, to ascertain definitely whether his orders would enable him to meet our wants and redress our grievances, Hon. R. W. Harrison was called to the chair, and

J. R. Bradway chosen Secretary, with power to act also as Recording Secretary of the county in matters pertaining to Indian difficulties.

A communication from His Excellency, Governor Weller, was read by Hon. N. Hall; also, a copy of the instructions of Captain Flint from the War Department, both of which was ordered on file, with instructions to copy the same and deliver up the originals at any time when called for by the proper persons.

On motion it was resolved that a committee of seven be appointed from the citizens living along the eastern border of this county, with instructions to collect and transfer to the Recording Secretary of the county authentic intelligence in regard to any Indian depredations that may occur.

On motion, Captain James Johnson was appointed to wait on Captain Flint and introduce him to the meeting.

Captain Flint was introduced, after which the Chairman explained the object of the meeting, and Captain F. gave his views of his instructions.

On motion—

Resolved, That the meeting take a recess of ten minutes.

Convened after recess.

Chairman in his seat.

On motion of Hon. N. Hall—

Resolved, That a committee of three be appointed to draft a letter to His Excellency, Governor Weller, expressive of our grievances and wants, and to ask him to send General Kibbe with instructions to raise a company of volunteers in this county, to commence immediate action against the Indians.

The following gentlemen were named as said committee, viz: Captain James Johnson, Hon. N. Hall, and J. G. Doll.

On motion—

Resolved, That Hon. W. R. Harrison be added to said committee.

On motion of W. H. Bahney—

Rssolved, That J. G. Doll, Esq., be delegated to convey dispatches to Governor Weller.

On motion of Captain James Johnston—

Resolved, That the thanks of this meeting be tendered Governor Weller for the prompt and efficient manner in which he has heretofore responded to our requests.

On motion—

Resolved, That a copy of the proceedings of this meeting accompany the dispatches to Governor Weller.

On motion—

Resolved, That this meeting adjourn to meet one week from next Monday, at this place, at one o'clock, P. M.

W. R. HARRISON,
Chairman.

J. A. Bradway, Secretary.

[Order of Gen. Clark to Capt. F. F. Flint.]

[Special Order No. 49.]

HEAD-QUARTERS, DEP'T OF CAL.,
San Francisco, May 19th, 1859.

It having been represented to the Commanding-General, by His Excellency, the Governor of this State, that the Antelope Indians, in Tehama County, are engaged in burning the dwellings and driving the whites from their houses, Capt. Flint, with Company A, 6th Infantry, will proceed without delay to Red Bluff, establish a summer camp in some suitable place, and take immediate measures to protect the citizens. *Indian maurauders will be arrested and turned over to the civil authorities.* Chiefs of the Staff Departments will furnish the necessary supplies.

By command of Brigadier-General Clark.

W. W. MACKALL,
A. A. General.

To His Excellency, the Governor of California.

[Messrs. Harrison, and others, to Gov. John B. Weller.]

To His Excellency,
JOHN B. WELLER,
Governor of the State of California:

DEAR SIR:—On the fourteenth inst., the citizens of this county, (Tehama,) living along the banks of the Sacramento River, and in the valley adjacent to the mountains on our eastern borders, addressed you several petitions, numerously signed, advising you of the fact that the wild Indians, living in these mountains, had been for months committing depredations upon our stock, by driving it off and killing it.

Also, advising you of the fact that these same Indians had commenced a more fearful warfare upon us; that of burning our houses and families; citing some instances, that of burning the dwelling of Col. E. A. Stevenson, and his family, consisting of his wife and three children, and that of Mr. Brant, consisting of his wife and two children.

Also, of the house of Mr. Seth Hooker, and of the fact that the premises of three other families, to wit: Josiah Earl, R. N. Rigg, and Wm. H. Bahney had been disturbed and threatened by these Indians, in the night time. But the Indians were kept at bay, and the inhabitants forewarned by the yard dog. Said petition asking and praying for protection and relief at your hands, and we have to thank you for the promptness in which you answered our call, by sending a company of United States soldiers.

And, in furtherance of our wishes in this matter, a numerous committee of gentlemen, delegated from the different communities endangered by these Indians, assembled at Red Bluff, for the purpose of conferring with Capt. Flint, commander of said company, and giving him what aid and advice we could in obeying his instructions. A copy of the proceedings of that committee will be forwarded you with this letter.

And we, the undersigned, their sub-committee, in accordance with instructions, address this letter to you, for your further consideration.

We consider the company of United States soldiers entirely insufficient to meet the demand and exigencies of the case. We think the number of Indians will not exceed two hundred, but they live in rugged mountains, peculiarly marked with barren, rocky ridges, high and steep, precipitous and deep, and almost impassable cañons, with numerous caves.

They range along these mountains from north to south, from sixty to eighty miles, and mostly within the limits of our county, and then descend into the valleys cultivated by our citizens. In these mountains there is no mining done, and no settlements of whites. No effort has ever been made to bring these Indians within the control of the Indian Agencies, or to domesticate them in any way. They have, since the first settlement in the valley, been committing depredations on the property of the settlers, but not to so great an extent as within the last few months. Every year since the year 1849 our people have suffered more or less from their maurauding habits, and volunteer parties have frequently followed them into the mountains, for the purpose of chastising them, and to recover their property. Much property has been lost, and some recovered, and some valuable lives lost in these excursions.

The strip of valley lying between the Sacramento, near the foot of these mountains, is only six or eight miles in width, which is mostly covered with farms and herds of horses, cattle, sheep, and hogs. The close proximity of the mountains to the settlements enables these Indians to make nightly excursions into the valley, committing their depredations upon the farms, driving off the stock, and in a few hours, unless instantly pursued, will hide in mountain fastnesses. The peculiar ruggedness of these mountains enables them to hide from the most wary, and oftentimes to make good battle against the bravest braves.

From the foregoing you can understand what we have suffered from the hands of these Indians; what danger surrounds us, and what our necessities are; where they live, and how they live; these common enemies to the peace and well being of our people; these invaders, that with ruthless and cruel hands, are wasting and scattering our property and homes. For ten years we have borne with them, without destroying or asking aid of government. We have contributed our money and time, and lost some lives in protecting ourselves from this common foe. The exigencies of the case are too great to rely solely upon ourselves; we must have help from some other source. We think our necessities require the best and most active force that can be put in the field.

The citizens have a direct and permanent interest at stake, and are more intimately acquainted with the different locations and habits of the different tribes of Indians than any company of United States troops can have, unless they should be enlisted in the immediate region of these depredations. The expense of raising and supporting a hundred volunteers would not exceed the expenditures of the same number of men in the regular army.

Therefore, we renew our appeal to you, and pray that you send us authority to raise a volunteer company forthwith. We need not go into a lengthy explanation to show the superior efficiency of volunteers over soldiers in fighting Indians. We are convinced that Captain Flint, from the construction placed upon his instructions, cannot afford us the relief the necessities of the case demands.

And we shall ever earnestly pray.

Most respectfully yours,

W. R. HARRISON,
J. S. JOHNSTON,
J. GRANVILLE DOLL,
NEWELL HALL,

Committee appointed on the part of the people of Tehama County, this twenty-ninth day of May, 1859.

[Gov. John B. Weller to Messrs. Harrison and others.]

EXECUTIVE DEPARTMENT,
June 2d, 1859.

GENTLEMEN:—In reply to your communication, requesting me to order volunteers into the service of the State, to protect the citizens of Tehama County against the Indians, I have to say, that General Clark, commanding the federal forces on this coast, having dispatched a company of soldiers last week to your county, I am unwilling to call for volunteers until I am satisfied that this is insufficient.

It seems to me, that if the federal forces are properly posted, it will be found sufficient to give protection to the persons and property of the people, but if it turns out otherwise, I will not hesitate to use all the power in my hands to give it. I cannot invoke the aid of volunteers, except in cases where the Federal Government fails to protect our people. It is only in such cases that this government can be justly held liable for the expenses of the campaign.

Trusting that the military force now in the field may be found sufficient,

I am, very respectfully,
Your obedient servant,
JOHN B. WELLER.

To W. R. Harrison, J. S. Johnson, J. Granville Doll, Newell Hall, Esq'rs.

[J. Coombs to Gov. Weller—By telegraph from Red Bluff.]

RED BLUFF, May 14th, 1859.

The Antelope Indians have been committing serious depredations recently, burning houses and families, on the east side of the Sacramento River. A meeting is being held to-day. What course shall I proceed in order to get the protection of the State Government? We are desired to telegraph to you, and request from you a suggestion.

JAMES COOMBS.

P. S.—The house of Seth Hooker was burned last night by the same Indians. J. C.

[Gov. Weller to Mr. J. Coombs.]

EXECUTIVE DEPARTMENT,
Sacramento, May 14th, 1859.

MR. COOMBS,
Red Bluff:

If the Antelope Indians are engaged in driving off the white families, and destroying their dwellings, they must be chastised, and upon a proper representation of the citizens, a military force will be placed in the field.

[Signed,] WELLER.

[Gov. John B. Weller to Gen. W. C. Kibbe.]

EXECUTIVE DEPARTMENT,
July 4th, 1859.

SIR:—I have received numerous complaints of outrages committed by the Indians in Tehama and Mendocino counties, and I am anxious to

ascertain whether it is necessary to call out a volunteer force, to give protection to the persons and property of our citizens. You will find a company of United States Infantry stationed near Red Bluff, and you will consult with the commanding officer in regard to these difficulties.

The encampment of his whole force at one point, will, no doubt, give protection to the people residing in that immediate vicinity, but the hostile Indians in the meanwhile are committing murders and robberies in other sections of the country. If the federal force cannot be so divided as to hold these Indians in check, you will advise me of the fact, and the necessary steps will be taken to place a volunteer company in the field.

You will give me all the information which you can obtain as to the number, locality, etc., of these Indians.

As soon as this portion of the order is executed, you will proceed to Round Valley and Eden Valley, in Mendocino County, where, it is alleged, the Indians have become very hostile.

I hand you herewith, a copy of an order issued to Dryden Lacock, under date of fifth May last, authorizing him to raise a company of twenty men. So far as I am advised, nothing has been done under this order, in consequence of the citizens being unwilling to serve at the compensation fixed by law. If you are satisfied, after ascertaining all the facts, that a necessity exists for a volunteer force, you can say to the men who may enrol themselves, that I have no power to promise anything beyond the law, but I will do all I can to obtain for them, if they choose to serve, a just and adequate compensation.

Very respectfully,

Your obedient servant,

JOHN B. WELLER,
Governor and Commander-in-Chief.

Gen. W. C. Kibbe, Adjutant and Quartermaster-General, Cal. Militia.

[Gen. Wm. C. Kibbe to Governor John B. Weller.]

RED BLUFF, July 30th, 1859.

To His Excellency,
JOHN B. WELLER,
Governor and Commander-in-Chief of Malitia:

SIR:—I have the honor to report that, pursuant to your Excellency's orders, issued on the fourth instant, I proceeded to Tehama and Mendocino counties of this State.

On the eleventh instant I directed the following communication to Capt. F. F. Flint, commanding Company A, 6th Infantry, now stationed at Camp Cass, near Red Bluff, Tehama County:

RED BLUFF, July 11th, 1859.

To Capt. F. F. FLINT,
Commanding Company A, 6th Infantry:

SIR:—I have been ordered by His Excellency, the Governor of California, to visit this section of the State with a view of ascertaining the extent of the Indian disturbance in this (Tehama) county, the number and locality of the hostile Indians, and whether it is necessary to call out a volunteer force to give protection to the persons and property of our citizens here. I am directed to confer with you upon this subject. Please inform me of the probable number of the hostile Indians in this vicinity

and the strength of your command, and whether your orders will permit you to so divide your force as to hold the Indians in check for the future.

I am, Sir,
Your obedient servant,
[Signed] WM. C. KIBBE,
Q. M. and Adj't-General,
of State of California.

To which, on the twelfth instant, I received the following reply:

[Capt. F. F. Flint to Gen. Kibbe.]

CAMP CASS, near Red Bluff, Cal.,
July 12th, 1859.

SIR:—I am this moment in receipt of your communication of the eleventh instant, and, in reply to your inquiries, I have to state that I have no reliable means of judging of the number of hostile Indians in this vicinity. The country between Battle and Mill creeks, and as far back as Antelope Mills, has been thoroughly examined by various detachments of my company, and, thus far, neither Indians nor signs have been met with. The settlers estimate the number at from thirty to one thousand.

My company is about sixty strong, and I consider it and the orders I have received, sufficient to check the hostile incursions of any Indians in this vicinity.

I am, Sir,
Very respectfully,
Your obedient servant,
[Signed] F. F. FLINT,
Capt. 6th Infantry,
Com'g Company A.

Gen. WM. C. KIBBE, Quartermaster and Adjutant-General of California.

P. S.—I think it proper to state, in addition to the above, that several citizens (mountaineers), reputed to be familiar with the country examined and the usual resorts of the Indians, accompanied my men and promised to conduct them to places where they would be sure to find Indians, if there were any about the hills.

Respectfully, etc.,
F. F. F.

Subsequently to the date of the above correspondence, viz: on the night of the twenty-third instant, July; these Indians attacked the farm of Dr. Inskeep, and after driving the occupants (three men) from the premises, burned the house, barns, etc., together with a considerable quantity of hay and grain. This depredation was committed at a distance of twelve miles from Camp Cass, where Capt. Flint was then stationed.

On the arrival of a messenger from Inskeep with information of the attack above alluded to, and bearing a petition from the citizens of that vicinity, asking protection, I started for the camp of Capt. Flint's company with the messenger having the petition. Lieut. Harrison being in command, promptly responded by agreeing to station a detachment of twenty men at or near Inskeep's Valley, for the protection of the people of that vicinity.

For the purpose of ascertaining more fully the condition of affairs, I

traveled over the country occupied and roamed over by these hostile Indians, and find the facts to be as follows: That there are from one hundred and seventy-five to two hundred and fifty Indian warriors belonging to several different tribes, banded together through feelings of revenge against the whites, armed with guns, and bows, and arrows, and occupying a section of country extending from Butte Creek, on the south, to Little Cow Creek, on the north, a distance of from forty to fifty miles, over which they roam for the purpose of depredations. The country occupied is rough, and, in many places, almost impassable for man or beast.

So far as is known by the whites, these Indians have killed a large quantity of cattle and horses, and have murdered six of our citizens within the last two years, and are still actively engaged in their warfare.

On the twenty-ninth inst., a short distance below the saw-mills on Rock Creek, twelve of these savages attacked two men who were traveling with a team to the mills, wounding one of them dangerously by shooting him through the body, and driving off the team. About a month since a man by the name of William Patrick was killed about ten miles from Camp Cass, and his body horribly mutilated by them, while hauling a load of hay to the Antelope Mills, on Antelope Creek.

The people in Tehama County, residing on the east side of the Sacramento River, are in constant fear of these savages, many of them standing guard at night and watching for them by day, and, in my opinion, need protection. They have a force of ten men, which has been in the field for upwards of one month, subsisted and paid by private contribution. The country referred to is so rugged and so well known by the Indians that it would be almost useless to send a force of less than from eighty to one hundred men, even to capture this small number of Indians, a single party of men would always be eluded by them.

I have also the honor to report that on the fifteenth of July, I proceeded to Mendocino County in the vicinity of Round and Eden valleys, to ascertain the nature and extent of the Indian difficulties in that section, and, if necessary, to call into the field the number of men originally petitioned for by the citizens of that vicinity.

I found that the Ukas Indians, who have been and are depredating upon the property of the citizens in that county, are estimated to number from two to five thousand, and live and roam upon the streams contiguous to those valleys; that for some months past they have been killing cattle and horses, and that two days prior to my arrival at Round Valley, they killed one and wounded two other horses, the property of the settlers of Eden Valley. They are armed with bows and arrows only, and never have been known to attack white men when in parties of three or more, but have in two instances killed men traveling alone; probably for their guns, though they have never been known to use the guns thus obtained. I found them to be an inferior race of Indians, but, from their numbers, disposition, and opportunities, they will doubtless continue their depredations upon the property of our citizens of that region.

It is represented to me, also, by the citizens of the valleys named, that the officer in command of the federal troops, numbering twenty (20), stationed at Round Valley, has refused to render the protection asked for by the people, and has assigned as a reason that he was sent there to protect the Indians, and not whites. Under these circumstances it may be necessary that the State should afford that protection which the people have a right to demand; but if the force asked for (twenty men only) are ordered into the field, I am under the impression that little more than

the immediate security of life and property would be effected, and consequently that this small force would be required permanently in the field. The interests of the people and the policy of the State would doubtless be better served by sending a more formidable force—sufficient to capture and remove these Indians to a Federal Reservation.

I have the honor to be

Your Excellency's

Most obedient servant,

WM. C. KIBBE,

Q. M. and Adj. Gen'l,

State of California.

[Gov. John B. Weller to Gen. W. C. Kibbe.]

EXECUTIVE DEPARTMENT,
Sacramento, August 2, 1859.

Gen. W. C. KIBBE,

Adjutant and Quartermaster-General:

SIR:—I have received satisfactory evidence, that a portion of the Antelope and Deer Creek Indians are banded together in Tehama County, and for several months past have been murdering the citizens, and burning their dwellings. The recent outrages which they have committed, in killing two white men and destroying their houses, satisfies me that the federal force now stationed in that county is wholly inadequate to give protection to the people, and I am therefore constrained to direct you to proceed at once to Tehama County, and muster into the service a company of volunteers. These volunteers will be selected with reference to their adaptation to service against Indians, armed as riflemen. Mountaineers and frontiersmen should be preferred. The company should not exceed eighty men, and you will see that they are furnished with suitable arms, ammunition, commissary stores, etc. In issuing rations, you will be governed by the regulations of the United States Army, as nearly as may be compatible with the character of the service. The strictest economy is enjoined upon you, and every effort must be made to render the campaign short and decisive. There must be no indiscriminate slaughter of the Indians. Humanity requires that no more human blood should be shed than is indispensable to give security and protection to the people. Those of the tribes who have been engaged in these murders, arsons, and robberies, alone should be punished. The women and children must be spared. If prisoners are taken, communicate with Mr. McDuffie, Commissioner of Indian Affairs, in order that they may be removed, if possible, to the reservations. You will endeavor to obtain the co-operation of the federal troops, in expelling these hostile Indians from the county.

The company will be disbanded at as early a day as practicable, and you will advise me, from time to time, of your movements.

Very respectfully, yours, etc.,

JOHN B. WELLER,

Governor, and Commander-in-Chief,

California Militia.

[Gen. W. C. Kibbe to Gov. John B. Weller.]

TEHAMA COUNTY, September 19, 1859.

To His Excellency,
JOHN B. WELLER:

SIR:—I have the honor to report, that the expedition under my charge, is now actively engaged against the Indians, and with tolerable success. We have taken upwards of one hundred and fifty Indians prisoners, and have killed less than ten. I arrived at Red Bluff on the seventeenth to make arrangements for the transportation of one hundred prisoners to the Mendocino Reserve. I shall leave here this evening for head-quarters, and expect, within ten days, to have a fight with a band of desperadoes, made up of Indians from every tribe within two hundred miles of this place, well armed with rifles, and determined not to be taken alive. These number about sixty Bucks, and have committed many depredations, in connection with the Pitt River and Deer Creek Indians.

Mr. McDuffie, in reply to my note relative to prisoners, responded by saying that these would be received at Nome Lackee or Mendocino, but his department would bear no portion of the expenses of transportation. As the public interests require that these Indians should be sent to Mendocino, I find their transportation to be not only expensive, but that it consumes a great deal of time, three weeks at least being required for a guard to deliver them at that point. It strikes me, that the Indian Department should at least furnish commissary stores and pack animals for this service. Please communicate with Mr. McDuffie on the subject. It is useless to place these Indians at Nome Lackee, unless a strong and efficient guard is placed over them at that point, for they will surely run back to the mountains again. I expect, with good luck, to have four or five hundred more to send away.

I have a good set of men, and hope to make this expedition as popular as the last. My presence in the field will constantly be required.

I am, sir,
Your obedient servant,
W. C. KIBBE,
Quartermaster and Adjutant-General.

[Gen. W. C. Kibbe to Gov. John B. Weller.]

LOCKHART'S FERRY, PITT RIVER.
September 30, 1859.

To His Excellency,
JOHN B. WELLER,
Governor of the State of California:

SIR:—I arrived at this point this evening, from a scout through the mountains of eight days, after Indians, where I met Col. E. J. Lewis, who informs me that he is instructed to investigate the conduct of an independent company of volunteers, who were sent out by the citizens of this valley and teamsters upon this road, after the murder at Hat Creek Station and at the bridge on Pitt River, of McElroy, Callahan, and others. In regard to this matter, it is exceedingly difficult to arrive at a proper conclusion. The citizens are predisposed against the officers at Fort Crook, and *vice versa;* for instance, I saw a statement a short time since, purporting to have been signed by Lieutenants Carr and Brewer, that there was but two decent citizens living in Pitt River Valley; and those men are represented by the other side, *i. e.* the citizens, to be men who

live with squaws; so that, perhaps, much allowance should be made for any statements in reference to Indian matters here.

In regard to the massacre so much talked of, there is no doubt but that every citizen, excepting, perhaps, a man who was attempting to avenge a brother's murder, must denounce it as barbarous, and I am led to believe that most of the killing of squaws and children, was done by the brother of McElroy, and his personal friend, after his death. (He was killed in the rancheria, after the attack upon the Indians.) You are aware that men will oftentimes commit indiscretions when seeking revenge—indiscretions which they themselves regret upon second thought. The action of this company, at this time, I can account for in no other way. Since that time they have hunted Indians and attacked rancherias, but, so far as I know, have killed only the bucks, and then those only whose capture they could not effect.

To go into details of the various depredations, murders, etc., committed by the Pitt River Indians, would require more time than I have at this moment. The feeling spoken of between the officers at the Fort and the citizens, as near as I can judge, is quite faithfully represented by the statement referred to, made by Lieutenants Carr and Brewer.

There are from sixty to eighty voters in this valley, and I do not know of but two or three who sustained the administration at the Fort. Thus matters seem to stand here, and there is one general sentiment of censure on the Indian frontiers of this State, in reference to the Indian policy adhered to by the federal troops stationed among us. We may expect one thing, however, that if Indians continue to murder our citizens, and little or no energy is manifested by the authorities to punish and bring them to justice, that our hardy men of the mountains will shoulder their rifles and pursue them even to the death.

The policy I have pursued under your orders, seems to meet with the united approval of both citizens and federal officers, and I am satisfied, if the federal administration would pursue the same course, no such investigations would be required. I write without prejudice, and desire that all these points should be well weighed by your Excellency, of which I do not doubt.

In regard to the expedition of which I have control, under your Excellency's orders, I have to report that we have taken about two hundred Indians, most of whom are charged with crimes during the last two years, and who belong to, or are connected with, the Deer Creek and Antelope Indians. I hope to be able to accomplish the objects desired, within a month from this time, though this is the worst country to hunt Indians in the State.

I shall report from time to time, as occasion may require. A portion of my men have just come in from a chase after some Pitt River Indians, who stole two valuable immigrant horses, about seven miles from here, last night, and report that they found where the horses were killed, the Indians having left the hides and a part of the flesh.

I shall leave at three o'clock in the morning, with the men, to catch these Indians as they come for the balance of the meat, and I hope I may succeed in catching them.

I am, sir, your obedient servant,

W. C. KIBBE,

Quartermaster and Adjutant-General, California Militia.

[Gen. W. C. Kibbe to Gov. John B. Weller.]

RED BLUFF, Nov. 29, 1859.

To His Excellency,
JOHN B. WELLER,
Gov. State of California:

SIR:—I have the honor to report, that I have succeeded in capturing all the Indians, with the exception of ten or twelve, who are implicated in committing depredations upon the lives and property of our citizens, between Butte Creek and the head of Pitt River, since the settlement of this portion of the State. They are principally Hat Creek, Pitt River, and Indians who have hitherto lived in the Sierra Nevada range of mountains, and number about five hundred. There were probably about two hundred warriors killed before we succeeded in effecting the capture of these tribes.

The prisoners are now en route for this place, and I shall disband the expedition on their arrival here. I beg to call your Excellency's attention to the most important matter connected with this whole expedition, in the disposition of these prisoners.

A few days since, I received a communication from the Hon. J. Y. McDuffie, Superintendent Indian Affairs for this State, advising me that he could subsist no more Indians at the Mendocino Reservation, and that the balance of the Indians taken, would be received at Nome Lackee. This reservation, as you are aware, is located in the Sacramento Valley, contiguous to the county which has been the scene of all the depredations committed in this portion of the State, since 1854, and it would render the fruits of this expedition worse than useless, to place these wild Indians at Nome Lackee, for the reason that they are now fired with a spirit of revenge against the whites. The deeds heretofore committed for the sake of plunder and gain, would, if they are permitted to go at large again—committed to gratify a spirit of deep revenge and animosity towards the whites—and if placed upon this reserve, I am fully satisfied that they would return to their old homes in the mountains, in a very short space of time.

From the most reliable information which I can get, I am satisfied that the tribes spoken of, which are now prisoners, have murdered between thirty and forty of our citizens, and destroyed from two hundred thousand to three hundred thousand dollars worth of property, during the past four years. They have occupied, almost exclusively, a large and valuable section of the State which is now open to settlers, and is being rapidly taken up, and through which the great thoroughfare from the Sacramento Valley to Siskiyou and Oregon runs, over which is transported merchandise, worth millions of dollars annually. Aside therefrom, the depredations actually committed, it is a matter of great importance to the State, that these Indians should be transported to some distant reserve, from which they will never be able to find their way back to their old homes, and where they can be easily managed. I desire, therefore, most earnestly, that your Excellency would communicate with the Superintendent of Indian Affairs, Hon. J. Y. McDuffie, and if possible, induce him to agree to receive the Indians at the Tejon Reservation. They can be transported thither for ten or fifteen dollars per head, and once landed, they could be made useful as laborers upon that reservation. They are probably the largest, most athletic, and healthy race of Indians, in California, and possess more intelligence than any race I have yet seen. If, then, they can be shipped to that reservation, the interests

of the whole State will be served, and the expedition will have accomplished all the objects for which it was organized.

I shall detain the Indians at this point until I receive orders from your Excellency.

I am, sir, your most obedient servant,

WILLIAM C. KIBBE,

Quartermaster and Adjutant-General of the State of California,

Commanding Expedition.

[Gov. John B. Weller to J. Y. McDuffie, Esq.]

EXECUTIVE DEPARTMENT,
Sacramento, December 2, 1859.

Hon. J. Y. McDUFFIE,
San Francisco:

SIR:—General Kibbe reports to me that he has captured some five hundred Indians, which he holds as prisoners at Red Bluff, in Tehama County. These Indians constitute nearly the whole of the tribe who have given us so much trouble in the Pitt River country, and it is exceedingly desirable that they should be placed on some reservation where they cannot murder and rob our citizens. To place them on Nome Lackee Reservation, because of its contiguity to the old grounds, would be of no possible benefit. They would very soon return to their former homes, and in a spirit of revenge would renew their attacks upon the lives and property of the people. I do, therefore, earnestly hope that you will be able to make provisions for these Indians upon some distant reservation.

Very truly yours,

[Signed,] JOHN B. WELLER.

[Gov. John B. Weller to Hon. J. Y. McDuffie.]

December 3d.

Hon. J. Y. McDUFFIE,
San Francisco:

General Kibbe has five hundred Indians at Red Bluff, as prisoners, in case you send up and receive them.

WELLER.

Mr. Welty offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that nine hundred and sixty copies of the Quartermaster-General's Report be printed for the use of both Houses.

Laid over under the rules.

On motion of Mr. Laspeyre, so much of the Quartermaster-General's Report as relates to claims against the State was referred to the Committee on Claims; so much as relates to Indian affairs, was referred to Committee on Indian Affairs, and so much as relates to military affairs, was referred to the Committee on Military Affairs.

Mr. Conness offered the following amendment to the Fifty-Seventh Standing Rule:

Rule fifty-seven shall be amended so as to read as follows:

When a question, on a motion, or on the final passage of a bill or reso-

lution, shall have been decided in the affirmative or in the negative, it shall be in order for any member of the majority to move a reconsiderationt hereof by giving notice, on the day of its passage or rejection, of his intention to move for such reconsideration on the succeeding day, and it shall not be in order for any member to move a reconsideration on the day on which such motion or question shall have been decided, if such notice for reconsideration the succeeding day shall be offered by any member who voted in the majority on the question. The motion to reconsider may be made by any member of the House, and shall have precedence over every other motion except a motion to adjourn.

But there shall be no new consideration of a motion of indefinite postponement.

Mr. Welty moved to amend by striking out "But there shall be no reconsideration of a motion of indefinite postponement."

Lost.

The rule was adopted.

RESOLUTIONS.

Resolutions were offered:

By Mr. Pate:

Resolved, By the Assembly, the Senate concurring, that a committee of two be appointed by the Assembly and two on the part of the Senate, for the purpose of electing a suitable and competent person to translate into the German language five hundred copies of the Governor's Message, the Report of the Superintendent of Public Instruction, and the Governor's Inaugural Address; *provided*, the cost of the same does not exceed the sum of twenty-five cents per folio.

Laid on the table.

By Mr. Warner:

Resolved, By the Assembly, the Senate concurring, that five hundred additional copies of the documents relative to the vote of the division of the State be printed in the Spanish language.

Laid over under the rules.

Mr. Warner was added to the Committee on Federal Relations.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, January 17, 1860.

MR. SPEAKER:—The Senate on Saturday adopted Assembly Concurrent Resolution, No. 17, Relative to Daily Overland Mail;

Also, have adopted Assembly Concurrent Resolution, No. 16, Relative to Joint Committee on amendments to Constitution, and have appointed, on part of the Senate, Messrs. Kirkpatrick, Sharp, and Watkins.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Tuesday, January 17, 1860.

MR. SPEAKER :—The Senate has this day passed Senate Bill, No. 8, An Act appropriating money for the pay of Copying done for the Legislature ;

Also, Senate Bill, No. 24, An Act to legalize the acts of the Mayor and Common Council of San José ;

Also, Assembly Bill, No. 26, An Act to extend the time for collecting Taxes in the County of Contra Costa ;

Also, Assembly Bill, No. 36, An Act to authorize John Wilson to sell certain Lands in San Luis Obispo County, belonging to his infant son, John Wilson.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 8, above reported, read first and second times and referred to Committee on Ways and Means.

Senate Bill, No. 24, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Tuesday, January 17, 1860.

MR. SPEAKER :—The Senate on yesterday adopted Senate Concurrent Resolution No. 20, Relative to the Land Claims of California, asking an appropriation from the United States Government for the same, and ask the concurrence of the Assembly.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 20, above reported.

SENATE CHAMBER,
Wednesday, January 18, 1860.

MR. SPEAKER :—The Senate on yesterday passed Senate Bill, No. 27, An Act to extend the time for the collection of Taxes in the County of Butte, for the year one thousand eight hundred and fifty-nine ;

Also, have this day passed Senate Bill, No. 32, An Act to exempt from taxation certain property of the Masonic Hall Association ;

Also, have passed Assembly Bill, No. 23, An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property and collecting Taxes levied thereon for State and County purposes in the Counties of Sierra and Plumas," so far as the provisions of said act relate to the County of Plumas ;

Also, have passed Assembly Bill, No. 32, An Act to extend the time for collecting Taxes in the County of Solano.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 32, above reported, read first and second times and referred to Committee on Ways and Means.

Senate Bill, No. 27, above reported, read first and second times, rules suspended, read third time, and passed.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Schmidt, An Act concerning the organization of the Militia.

By Mr. Warner, An Act to amend an Act, approved April second, one thousand eight hundred and fifty-nine, entitled "An Act to amend 'An Act to regulate proceedings in Civil Cases,'" passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, An Act to amend "An Act to regulate proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, An Act to amend an Act, approved April twenty ninth, one thousand eight hundred and fifty-seven, entitled "An Act to provide Revenue for the support of the Government of the State."

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Coombs, An Act to extend the time for the Collector of the County of Napa to collect the Taxes in said County and make his final settlement with the Auditor.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Babcock, An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Toll thereon.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Welty, An Act for the payment of certain Claims therein specified.

Read first and second times and referred to the Committee on Claims.

REPORT.

The following report was made:

By Mr. Daggett:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Memorial, No. 7, to the Congress of the United States, in relation to Swamp and Overflowed Lands of this State.

J. DAGGETT,
Chairman.

GENERAL FILE.

Senate Bill, No. 16, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals,'" passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine, read third time and passed.

Assembly Bill, No. 29, An Act to amend An Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six—read third time and passed.

Assembly Bill, No. 3, An Act concerning the County Records of the

County of San Luis Obispo—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five—rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," so far as relates to the Counties of Santa Clara and Contra Costa—ordered engrossed.

Mr. Lamar moved to make the substitute for Assembly Bill, No. 34, An Act to provide for the organization of a Company of Mounted Volunteers, to be employed under the direction and control of the Governor, and to appropriate money to defray the expenses of the same, the special order for to-morrow at twelve o'clock, M.

Lost.

On motion of Mr. Conness, the whole subject was referred to the Committee on Indian Affairs.

At half-past one o'clock, P. M., on motion of Mr. O'Conner, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 19, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members were absent, viz: Messrs. Gallagher, Groom, Smith of Nevada, Starr, Welty, and Wilkins.

Mr. Ellis had leave of absence for three days, and Mr. Lewis for two days.

Journal of yesterday read and approved.

COMMUNICATION FROM CONTROLLER OF STATE.

The following communication was received from the Controller:

OFFICE CONTROLLER OF STATE,
Sacramento, Cal., January 19, 1860.

To Hon. PHILLIP MOORE,
Speaker House of Representatives:

SIR:—In compliance with "An Act concering Contingent Funds," I herewith hand statement of the expenses of this office from January first to December thirty-first, one thousand eight hundred and fifty-nine inclusive.

I have the honor to be,
With much respect,
Yours, etc.,
A. R. MELONY.

By J. Y. READ, Clerk.

The accounts referred to in the communication of the Controller were referred to the Committee on Accounts and Expenditures.

REPORTS.

Reports were made as follows:

By Mr. Sawyer:

Mr. Speaker:—The State Prison Committee, to whom was referred Assembly Concurrent Resolution No. 15, have had the same under consideration, and beg leave to report a substitute for said resolution and recommend its passage.

SAWYER,
Chairman.

The substitute above reported was adopted.

By Mr. Williams:

Mr. Speaker:—The Judiciary Committee, to whom was referred Assembly Bill, No. 40, entitled An Act to authorize the Administratrix of the estate of John McKenny, deceased, to sell real estate of deceased at private or public sale;

Also, Assembly Bill, No. 41, An Act supplementary to an Act entitled "An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 10, An Act to amend "An Act to regulate the settlement of estates of deceased persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 55, An Act to enable County Judges to alternate, have had the same under consideration, and report the four bills back and recommend their passage.

Your committee have also had under advisement Assembly Bill, No. 37, An Act amendatory of the Act entitled "An Act for the relief of Insolvent Debtors and protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two;

Also, Assembly Bill, No. 2, An Act to amend an Act entitled "An Act concerning Attorneys and Counselors at Law," passed February nineteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 1, An Act to amend an Act entitled "An Act defining the time of commencing Civil Actions," passed April twenty-second, one thousand eight hundred and fifty, and report the three bills back and recommend that they be indefinitely postponed.

Assembly Bill, No. 27, An Act explanatory of an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine, your committee report back and recommend that it be referred to the delegation from San Joaquin.

Assembly Bill, No. 49, An Act to provide for the publication of the Laws and Decisions relative to the Civil Practice of this State, in force at the expiration of the Eleventh Session of the Legislature, is herewith reported back with the following amendments, with the recommendation that it pass as amended;

Amend section one, line twenty-two, by striking out the words "five hundred" and inserting "two hundred."

In line twenty-six, strike out "five hundred" and insert "two hundred."

In lines twenty-eight and twenty-nine, strike out the words "twenty-five hundred" and insert in lieu thereof "one thousand."

Amend section two, lines one and two, by striking out the words "twenty-five hundred" and insert "one thousand."

Amend, by adding the following section, to read as section five:

SEC. 5. The said compilation shall be distributed as follows, to wit: To each head of department of this State one copy; to each Supreme, District, and County Judge, and County Clerk, one copy. The surplus copies, if any there be, shall be deposited in the State Library.

WILLIAMS,
Chairman.

Assembly Bill, No. 27, above reported, referred to the San Joaquin Delegation.

By Mr. Daggett:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 32, An Act to extend the time for collecting Taxes in the county of Solano;

Also, Assembly Bill, No. 36, An Act to authorize John Wilson to sell certain Lands in San Luis Obispo County, belonging to his infant son, John D. Wilson;

Also, Assembly Concurrent Resolution, No. 17, Relative to a Daily Overland Mail.

J. DAGGETT,
Chairman.

By Mr. Babcock:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Assembly Bill, No. 47, An Act to grant to A. P. Overton, and others whom he may associate with him, and their assigns, the right of laying a Railroad Track along certain streets in the city of Petaluma, have had the same under consideration, have amended the same, and recommend its passage as amended.

J. BABCOCK,
Chairman.

By Mr. Bailey, of Tuolumne:

MR. SPEAKER:—The Tuolumne Delegation, to whom was referred Assembly Bill, No. 30, entitled An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven, have had the same under consideration, and beg leave to report the bill back to the House, without amendment, and recommend its passage.

G. M. BAILEY,
For the Delegation.

JANUARY 19, 1860.

Mr. Johnson, of Sierra, verbally reported upon the expenses incurred in the inauguration of Governor Latham and Lieutenant-Governor Downey, with a bill.

By Mr. Rogers, of San Francisco:

Mr. Speaker:—The Joint Committee, to whom was referred the communication of Dr. William Rabe, Secretary of the Pacific Railroad Convention, report as follows:

That they have examined the subject-matter referred to them, and report the accompanying Joint Resolution and Bill, and recommend their adoption and passage.

J. S. TITUS,
Chairman Senate Railroad Joint Committee.
DANIEL RODGERS,
Chairman Assembly Railroad Joint Committee.

The Joint Resolution, above reported, was on motion, laid on the table.

Mr. Daggett was excused from serving on the Committee on Indian Affairs, and Mr. Lovel substituted in his place.

Mr. Johnson of Sierra was excused from serving on the Committee on Accounts and Expenditures.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Conness:

Resolved, By the Assembly, the Senate concurring, that the Joint Committee on Amendments to the Constitution be instructed to inquire into the propriety of abolishing the Grand Jury System in this State.

By Mr. Malarin:

Concurrent Resolution, Relative to printing in Spanish five hundred copies each of the reports of the Superintendent of Public Instruction, State Controller, and State Treasurer.

Referred to Joint Committee on Printing, with instructions to report to-morrow morning.

Mr. Conn was added to the Committee on Indian Affairs.

Mr. Stevenson moved that Messrs. Conness and Welty be added to the Committee on State Prison.

Lost.

REPORT.

Mr. Beach made the following report:

Mr. Speaker:—The Committee on Engrossment have examined, and report as correctly engrossed, the following bills:

Assembly Bill No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its organization," approved April nineteenth, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 33, An Act to extend the time for the Tax Collector of Sutter County to collect the Taxes in said County, and make his final settlement with the Auditor;

Also, Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers;

Also, Assembly Bill No. 54, An Act to extend the time for the collection of State and County Taxes in the County of Sonoma;

Also, Assembly Bill, No. 60, An Act to extend the time for the collection of Taxes in the County of Napa.

BEACH,
Chairman.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. McDermit, An Act concerning Hogs running at large in Siskiyou County.

By Mr. Sawyer, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty.

By Mr. Gallagher, An Act to change the manner of assessing Taxable Property in the County of Calaveras.

By Mr. Bowman, An Act concerning the compensation of Supervisors of Amador County.

By Mr. Lawrence, An Act to amend the Law concerning Roads and Highways, in so far as Trinity County is concerned.

INTRODUCTION OF BILLS.

Bills were introdueed as follows:

By Mr. Johnson of Sierra, An Act to appropriate money for the expenses incurred in the Inauguration of Governor Milton S. Latham, and Lieutenant-Governor J. G. Downey.

Read first and second times, and referred to the Committee on Claims.

Also, An Act to prohibit Gaming.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rogers of San Francisco, An Act for the payment of current and necessary expenses of the Pacific Railroad Convention.

Read first and second times, and referred to the Committee on Claims.

By Mr. Malarin, An Act to appropriate money to pay William H. Peterson.

Read first and second times, and referred to the Committee on Claims.

By Mr. Burson, An Act amendatory of an Act entitled "An Act for the government and protection of Indians," passed April twenty-second, one thousand eight hundred and fifty.

Read first and second times, and referred to the Committee on Indian Affairs.

By Mr. Pate, An Act to repeal an Act entitled "An Act for the protection of Settlers, and to quiet Land Titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Sawyer, An Act to appropriate money to pay R. A. Thompson, and Ferris Forman, for services and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Committee on Claims.

UNFINISHED BUSINESS.

Assembly Concurrent Resolution, No. 21, Relative to printing Documents in Spanish in relation to the Division of the State, referred to the Joint Committee on Printing, with instructions to report to-morrow morning.

On motion of Mr. Welty, the usual number of copies of the Quarter-

master-General's Report, and the accompanying Message of the Governor, was ordered printed.

M. Laspeyre, from San Joaquin Delegation, verbally reported, and recommended the passage of Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine.

At fifteen minutes before one o'clock, P. M., on motion of Mr. Shannon, the House adjourned until eleven o'clock, to-morrow morning.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 20th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members were absent, viz: Messrs. Groom and Lewis.

Mr. Laspeyre had leave of absence, for two days.

The Speaker announced Mr. Rogers of San Francisco, as Chairman of the Committee on Accounts and Expenditures, in place of Mr. Johnson of Sierra, declined.

Mr. McDermit was added to the Committee on Indian Affairs.

Mr. Warner presented a petition of F. F. Gallardo, for an Act to authorize him to settle the estate of Feliz Gallardo, deceased.

Referred to Judiciary Committee.

REPORT OF THE COMMITTEE ON ELECTIONS.

Mr. Smith of Nevada, from Committee on Elections, made the following report:

MR. SPEAKER:—Your committee, to which was referred the matter of James Gallagher, contestant, *v.* S. S. Tilton, respondent, whereby is contested the election of said Tilton, now a sitting member of this House, returned from the city and county of San Francisco, have carefully considered the same, and respectfully submit the following report:

The subject has been argued and discussed before the committee by the respective counsel of the parties. There being no conflict in the testimony, the principal duty of the committee has been to ascertain and apply the law appropriate to the case.

On October eleventh, A. D. one thousand eight hundred and fifty-nine, the contestant filed, in the office of the Clerk of the Twelfth Judicial District, his statement of the grounds on which he contested said election. Objection was made by respondent's counsel, that of the testimony taken on contestant's behalf, which is wholly documentary—a portion was directed to matters not specified in his said statement. In the view which the committee take of this case it has become unnecessary for them to pass upon the validity of this objection, and accordingly they have considered all the testimony before them.

The committee find, that at the general election, held on the seventh day of September last, within and for the city and county of San Francisco, an election was held for eight members of the present Assembly, at which election the contestant and respondent were both candidates. Said city and county are divided into twelve districts, or precincts, numbered from one to twelve respectively, in all of which, upon canvassing the votes cast at said election, it was estimated and returned that said Tilton had received three thousand eight hundred and sixty-seven votes, and the said Gallagher had received three thousand six hundred and twenty-nine votes, giving a majority in favor of said Tilton of two hundred and thirty-eight: whereupon the usual certificate of election was issued to said Tilton.

The contestant claims that in the fifth, seventh, and ninth, of said precincts, certain provisions (hereinafter specified) of our statute concerning elections, were so disregarded and violated as to invalidate said election so far as those precincts are concerned; that the votes cast in said precincts ought to be rejected and wholly thrown out. If this position of the contestant is correct, the committee find that by rejecting the vote of said three precincts the contestant would have a majority of one hundred and forty-eight over said Tilton, and would in that event be now entitled to the seat occupied by the latter.

As to the Fifth District, the committee find the following facts:

First—After working from Wednesday until Friday morning at two o'clock, the officers adjourned for two or three hours for refreshment and rest. In the meantime the ballot-box was sealed up, and remained during the adjournment in the custody of the Inspector and one of the Judges. The seal was not broken until the resumption of the counting, at about five o'clock on the same morning.

Second—The ballots, instead of being taken from the box one by one, and so called off to the Tally Clerks, were taken out in large quantities, and before being called off, were assorted into piles, containing respectively straight tickets and scratched tickets. The straight tickets, instead of being called off to the Clerks singly, were called off and tallied by fives and tens at a time. The scratched tickets were called off and tallied one at a time.

Third—At one time some of the ballots were assorted during the absence of one of the Judges, but no counting was done until his return.

Fourth—The number of ballots was counted, and was the same as the number of names registered on the poll lists. The tally lists also agreed, with the exception that as to one of the State officers there was a descrepancy of twenty votes. One of the Tally Clerks was removed for being "tight," and another person was substituted in his place. The tally lists were completed at twelve o'clock on Saturday night, but were not signed until the following morning, and were then signed at the office of the Inspector, and not at the room where the polls were held.

As to the Seventh District, the committee find the following facts:

First—The ballots were not taken from the box one by one, but in quantities, and were assorted into piles before being called off.

Second—Several adjournments or recesses were taken for sleep or refreshment—the ballot-box being, in the meantime, in the custody of one of the officers, assisted, in one instance, by a police officer.

Third—The ballots, after being counted, were carried by the Inspector to his house, who permitted a friend of the contestant to recount them. The latter, upon such recount, made three more votes for the contestant than the Board had estimated.

Fourth—The number of ballots corresponded with the number of names on the poll lists, and also with the tally lists within from two to four.

Fifth—The three political parties—Democratic, Anti-Lecompton, and Republican—were all represented in the Board.

As to the Ninth District, the committee find the following facts:

The ballots were taken from the box in quantities, and were assorted into piles of straight and scratched tickets. The scratched tickets, after being thus assorted, were tallied by the Clerks, but the straight tickets were counted, not singly, but in lots, or piles, and the number contained in each pile was then set down in figures. These were then added up, and from the footings thus obtained tally lists were made out, which were returned to the County Clerk's office.

The foregoing the committee regard as embracing all the material facts established before them.

The following are the provisions of our election law, which the foregoing facts show to have been disregarded and departed from:

Section thirty-three of the "Act to Regulate Elections" (Wood's Digest, p. 337,) is as follows:

"Sec. 33. As soon as the polls are closed on the afternoon of the day of election, the Judges shall open the ballot-box and commence counting the votes, and in no case shall the ballot-box be removed from the room in which any election may be held until all the ballots are counted. The counting of ballots shall in all cases be public. The ballots shall be taken out carefully, one by one, by the Inspectors, or one of the Judges, who shall open them and read aloud the name of each person contained therein and the office for which every such person is voted for. Each Clerk shall write down each office to be filled and the name of each person voted for for such office, and shall keep the number of votes by tallies as they are read aloud by the Inspector or Judge. The counting of the votes shall be continued without adjournment until all are counted."

It thus appears that the officers of the several Boards above mentioned manifestly departed from the law, in the following particulars:

First—Ballots were taken from the box in quantities, instead of being taken out one by one.

Second—Instead of reading aloud each name on each ticket, and tallying each name as read aloud, the officers, having first assorted the tickets into piles, called off a large number at once, from the footings of which numbers so called off the tally lists were in part made up.

Third—Adjournments were had before the counting of the votes was completed.

The committee have carefully considered the testimony before them, for the purpose of ascertaining the *motives* of the election officers in thus disregarding the law under which they were sworn to act. The committee find no evidence of any fraudulent intent or purpose. It is in testimony, and not controverted, that the counting and estimating of the votes occupied from three to five days, including the nights; that the mode of counting demanded by law would have required a much longer time; that the adjournments were for short times, and for the purpose of necessary rest and refreshment; that during the adjournments the ballot-boxes were guarded. No evidence was introduced to show that illegal votes were received, or that there was a disposition to favor any particular candidate, or that, in point of fact, the departures from law above mentioned had any effect in changing the result. In the latter respect, the most that can be claimed on the testimony is, that there might have been an error of twenty-three votes against the contestant; which, con-

ceding that it was proved, would still leave a majority against him of more than two hundred.

But, although the committee do not discover any evidence of actual fraud, they are clearly of opinion that, by disregarding the law, the election officers furnished opportunities to commit frauds and mistakes, which it was the design of the law to guard against. The course taken by them was, in the judgment of the committee, highly reprehensible.

The question for the decision of the Assembly is, whether, as matter of law, the irregularities above set forth were sufficient to invalidate the election in the fifth, seventh, and ninth districts of San Francisco, and to require the votes cast in those districts to be rejected and thrown out. Such rejection would, in effect, so far at least as the seat now contested is concerned, ignore and disfranchise nearly twenty-five hundred voters; a consequence which should not be taken into account, provided the law demands such rejection, but which, nevertheless, furnishes an urgent reason for a careful and accurate decision of this case.

The committee have come to the conclusion that the provisions of law which, in this case, they find to have been violated, as above set forth, are in their nature directory, and not mandatory and imperative; that, being merely directory, to disobey them, although it might, if willfully done, subject the offenders to censure or punishment, does not make the election invalid, unless proof is made of actual fraud, or of a change in the result, brought about in consequence of such violation.

It is obvious that, to allow that every violation of the law would invalidate election returns, would put it in the power of each one of the election officers, by some single act or omission, to defeat the will of the people. That such was not the intention of our statute appears from section thirty-seven of the "Act to regulate Elections," (Wood's Digest, page three hundred and seventy-eight), which is as follows:

"SEC. 37. No tally paper, poll list, or certificate, returned from any election, shall be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this act, if the same can be satisfactorily understood."

This brings us to to the question: When are legal provisions directory, and when are they mandatory, that is, essential to validity?

The rule has been repeatedly settled by various judicial tribunals, that statutes directing the mode of proceeding by public officers are directory merely, and are not mandatory (or imperative) unless it be so declared in the statute itself. (The People *v.* Cook, 14 Barbour's N. Y. Sup. Court Rep.'s, p. 290.) On examination of our statute it will appear that it does not, in terms, declare that an election shall be void for the irregularities established in the present case. For this reason the committee hold that, in addition to proving the irregularities, it is necessary for the contestant to prove either that they changed the result, or were committed with a fraudulent purpose and intent, or under circumstances calculated to excite suspicion of unfair dealing.

Without citing the authorities in detail, the committee refer to the following summary of adjudicated cases bearing upon the distinction between directory and mandatory requirements, which they extract from Cushing's "Law and Practice of Legislative Assemblies," page seventy-four:

"The following cases are selected from a much greater number as examples of irregularities in the conduct of returning officers in the observance of the requisitions of statutes, which have been held to be merely directory statutes, and which have been considered as insufficient

to invalidate elections, viz: Where the ballot-box was not locked, as required by law, but was only tied with tape, and was also placed in the custody of a person not authorized to have charge of it; where, instead of 'a box locked or otherwise well secured,' a gourd 'carefully stopped and tied up in a handkerchief' was used; where there was an omission to give the notices required by law to two inconsiderable places within an election district; where the returning officers did not meet for the purpose of making their return until after the time appointed by law; where the Poll Clerks appointed by the Sheriff were not sworn until after the election, or were not sworn at all; where the number of votes required by law to be set down in writing, was set down in figures; where the return of votes was unsealed instead of being sealed up, as required by law; where the votes were returned after the time prescribed by law; where the opening of the meeting was delayed for two hours beyond the time fixed; where the officers presiding at an election, in the belief that illegal votes had been received, stopped the balloting and commenced anew; where the warrant calling the meeting for the election did not specify the time when the poll would be opened; where the poll was not kept open each day the number of hours required by law. In all these cases, there being a substantial and good election, notwithstanding the irregularities complained of, the proceedings were not invalidated."

But we have a decision bearing upon the questions raised in the present case, rendered by the Supreme Court of California. In the case of Whipley *v.* McKune, decided at the January Term, one thousand eight hundred and fifty-nine, of our Supreme Court, among other specifications of irregularities, it was charged that none of the Board of Officers were sworn, as required by law. On this point, the court say: "Unquestionably public policy requires that every safeguard should be thrown around the elective franchise, and every protection which can shield the ballot-box from corrupt or improper influences given to it. But a strictness of requirement, which, from the mere fact of the existence of informalities, not shown to be injurious in their results, would suppress the declared will of the people constitutionally expressed, leads to as dangerous consequences. We consider the law well settled by authority, that the mere failure of the officers to take the oath does not invalidate the election. If this were so, it might lead to more fraud than it would prevent; for these officers might omit the oath for the purpose of throwing out the votes of a precinct.

In the same case (Whipley *v.* McKune), it was charged that the officers failed to keep and return a legal tally paper. The court held that, in addition to this, the contestant must prove an actual miscount of votes; that even if the number were "guessed at," he must prove that the guess was erroneous.

In the same case it was alleged that the ballot-box was permitted to be removed from the room in which the election was held before the ballots were counted, and when so removed, was left in charge of a person who was neither a Judge, Inspector, nor Clerk, of said election. The court say: "If we were to hold that this circumstance alone, as stated, invalidated the returns, it would be in the power of any officer, or other person, to defeat an election, by throwing a ballot-box out of the window, or carrying it to the next room." The court further say that besides the fact of removal and change of custody of the ballot-box, it is necessary to show actual fraud or suspicious circumstances.

In concluding their decision of the case of Whipley *v.* McKune, the Court says: "The Legislature did not mean that the returns of a candi-

date should be set aside when an election was held at the proper time and place and for the proper officers, unless it affirmatively appeared that there was such irregularity as affected the result of the election; and when these irregularities shall occur, it rests with the contestant to show that they changed the result; that in consequence of irregularities the declared result was different from what it otherwise would have been."

By the Constitution of this State, and also by statute, each House of the Legislature is made to judge of the qualifications, elections, and returns, of its members. It was argued to the Committee that by virtue of this provision, the Assembly were not bound by the decisions of the courts of law, and that political as well as legal considerations might properly weigh with them. But the committee understand the provision as simply declaring each House the tribunal for the decision of such questions. Although the Assembly has the power to decide this question without the control of any other tribunal, the committee hold that in making up its decision it is to be governed by the same rules of law which govern the courts. To hold otherwise would be to hold that a political majority has the right, because it has the power, to unseat and remove the entire minority, if their elections were contested, and thus make the will of the people subservient to that of the dominant party.

The committee having thus shown, as they believe, that the legal requirements violated in this case, were directory merely and not mandatory, and that the contestant has not proved any actual fraud or change of results, in consequence of such violation, have come to the conclusion that the said James Gallagher has failed to make out his case against the sitting member, S. S. Tilton.

But in view of the importance of this case to the contestant, and of his request to be heard at the bar of this House, the committee recommend that the consideration of this case be specially assigned for Tuesday next, January twenty-fourth, at twelve o'clock, M., and that the parties have leave to appear and be heard by counsel before the House Committe of the Whole.

C. F. SMITH, Chairman,
GEORGE W. BAILEY,
P. O. HUNDLEY,
WILLIAM B. MAXSON,
A. H. HAWLEY,
JAMES A. JOHNSON,
A. J. KING.

Mr. Smith of Nevada, offered the following resolution, in connection with the report:

Resolved, That the case of Gallagher *v.* Tilton be heard in Committee of the Whole House on Tuesday, January thirty-first, one thousand eight hundred and sixty, at twelve M., and that the respective counsel of the parties, Messrs. Coffroth and Parker, or other counsel employed, be permitted to occupy seats on the floor, and address the House upon the matter of contest.

Adopted.

REPORTS.

Reports were made as follows:
By Mr Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill No. 23, An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property, and collecting Taxes levied thereon for State and County purposes in the Counties of Sierra and Plumas," so far as the provisions of said Act relates to the County of Plumas;

Also, Assembly Concurrent Resolution, No. 13, Relative to the establishment of a Semi-Weekly Mail from San Juan to Los Angeles.

JOHN DAGGETT,
Chairman.

By Mr. Fairchild, from majority of Joint Committee on Printing:

MR. SPEAKER:—The Joint Committee on Public Printing, hereby return Assembly Concurrrent Resolution, No. 21, and respectfully urge its adoption;

Also, Assembly Concurrent Resolution, No. 23, the committee recommend its passage by striking out the printing of Controller's and Treasurer's report

Per order of committee.

D. FAIRCHILD.

By Mr. Wescott, from the minority of same committee:

Mr. SPEAKER:—The undersigned, a member of the Joint Committee on Printing the Governor's Message, together with accompanying Documents, have considered Assembly Concurrent Resolution, No. 21, in relation to printing five hundred additional copies of the documents in the matter of division of the State in the Spanish language, would report the same back to the House, and recommend its indefinite postponement;

Also, Assembly Concurrent Resolution, No. 23, in relation to printing in the Spanish language five hundred copies each of the reports of the Superintendent of Public Instruction, State Controller, and State Treasurer, be indefinitely postponed.

The undersigned would state that there has been ordered to be printed by the two Houses, five hundred copies of the document in relation to the division of the State, in the Spanish language, which we believe to be amply sufficient to supply the wants of our Spanish population, and which was so considered by Mr. De la Guerra, one of our Senators, who offered the resolution in favor of printing five hundred copies in the Spanish language.

As to the matter of printing five hundred copies each of the reports of the Superintendent of Public Instruction, State Controller, and State Treasurer, in the Spanish language, the undersigned consider it a useless expenditure of the public money, and of no practical utility to our Spanish population—therefore recommends the indefinite postponement of the whole subject matter concerned in Concurrent Resolutions, Nos. 21 and 23.

WESCOTT,
One of the Committee.

Assembly Concurrent Resolution, No. 21, above referred to, was adopted.

Assembly Concurrent Resolution, No. 23, above reported, was taken up, and the amendment of the committee concurred in.

On motion of Mr. Henry, the resolution was further amended, by inserting "State Treasurer," and the resolution as amended was adopted.

Mr. Conness offered the following resolution:

Resolved, That the documents ordered printed in the Spanish language by this House be distributed among the members of the House who represent constituences who speak the Spanish language.

Adopted.

By Mr. Fairchild, from the Committee on Public Morals:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 57, entitled An Act to prohibit the sale and disposal of Adulterated, Spirituous, or Alchoholic Liquors, Wines, or Cider, have had the same under consideration, and report the same back to this House, and recommend its passage without amendment.

By order of the committee.

D. FAIRCHILD,
Chairman.

By Mr. Lamar:

Mr. SPEAKER:—The Select Committee, to whom was referred Assembly Resolution, Relative to the appointment of an additional number of Clerks by the Chief Clerk of the House, had the same under consideration, respectfully submit that in our opinion it would be unnecessary to increase the number of permanent attachees of the Clerical Department unless the folio system was entirely abolished. To abolish this system, we cannot recommend, as the necessities of the Clerical Department are not uniform; but from investigation which we have made, we believe that in past years great abuses have existed, and that the expenses of the Clerical Department of the Legislature have been unnecessarily large. The duties of the different Clerks are not definitely prescribed as they should be, and their compensation proportionately extravagant. Wherefore, we believe a law should be passed to remedy the evil complained of.

For the foregoing reason we recommend the indefinite postponement of the resolution.

LAMAR,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Wilkins:

Concurrent Resolution, Relative to Land District one and three.

Adopted.

By Mr. Williams:

Resolved, That the Judiciary Committee of the Assembly be authorized to employ a Clerk, whose pay shall date from the eighteenth of this month.

Adopted.

By Mr. Rogers, of San Francisco:

Concurrent Resolution, Relating to Printing for Pacific Railroad Convention.

Adopted.

By Mr. Johnson, of Amador:

Concurrent Resolution, Relative to Sunday Mail between San Francisco and Sacramento.

Adopted.

By Mr. Theller:

Concurrent Resolution, Relative to Assembly Bill, No 26.

Adopted.

By Mr. Fairchild:

Resolved, That the Committee on Claims be instructed that, when they make their report on expenses incurred in the Inauguration of the late Governor, M. S. Latham, to present to this House a bill of items.

Mr. Stevenson moved to lay the resolution on the table.

Lost.

On motion of Mr. Gwinn, the resolution was indefinitely postponed.

Mr. Schmidt presented a bill for music furnished at the inauguration.

Referred to Committee on Claims.

And, by Mr. Welty, a bill for hack-hire on same occasion.

Referred to Committee on Claims.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, January 19th, 1860.

Mr. SPEAKER:—The Senate has this day adopted Assembly Concurrent Resolution, No. 19, Relative to printing the Governor's Message in German, with the following amendments:

In the eleventh line strike out the words "twenty-five cents" and insert thirty cents."

DAVID J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate amendment to Assembly Concurrent Resolution, No. 19, above reported.

SENATE CHAMBER,
Friday, January 20th, 1860.

Mr. SPEAKER:—The Senate on yesterday adopted Senate Concurrent Resolution, No. 23, Relative to translation of the Laws into Spanish;

Also, have adopted Senate Concurrent Resolution, No. 25, Relative to a Mail Route from Calaveras County to Utah Territory;

Also, have adopted Senate Concurrent Resolution, No. 24, Relative to a Committee of two on Translation in Senate;

Also, have adopted Senate Concurrent Resolution, No. 22, Relative to a Weekly Mail between Nome Lackee, in Tehama County, and Mendocino County.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolutions, Nos. 22, 24, and 25, concurred in.

Senate Concurrent Resolution, No. 23, above reported, was laid on the table.

Mr. Henry gave notice of reconsideration of the vote by which Senate Concurrent Resolution, No. 24, was concurred in.

SENATE CHAMBER,
Thursday, January 19th, 1860.

MR. SPEAKER:—The Senate on yesterday adopted Senate Concurrent Resolution, No. 21, Relative to leave of absence of John S. Wood, County Treasurer of Napa County;

Also, have concurred in Assembly Concurrent Resolution, No. 20, Relative to Joint Committee on Judiciary.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate Concurrent Resolution, above reported.

Mr. Welty gave notice of reconsideration of the vote just taken.

SENATE CHAMBER,
Friday, January 20, 1860.

Mr. SPEAKER:—The Senate have this day passed Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
January 20, 1860.

Mr. SPEAKER:—The Senate has this day concurred in substitute for Assembly Concurrent Resolution, No. 15, Relative to State Prison.

J. R. BEARD,
Secretary of Senate.

Mr. Shannon offered Assembly Concurrent Resolution, Relative to the office hours of State Librarian.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Welty, An Act to authorize William G. English, and such others as he may associate with him to build a bridge across the American River at some point west of Eighth Street, as designated on the map of the city of Sacramento.

By Mr. Hays, An Act in relation to Mining Corporations.

By Mr. Bailey, of Santa Clara, An Act amendatory of "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

By Mr. Conn, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six, approved April seventh, one thousand eight hundred and fifty-seven.

By Mr. Lamar, An Act to appropriate money to be apportioned among

the several counties of this State, under certain restrictions, for the encouragement of Agricultural Societies, and to repeal all acts relating to the incorporation of the State Agricultural Society and making appropriations therefor.

By Mr. Johnson, of Amador, An Act in relation to the titles to Mining Claims.

By Mr. Gwinn, An Act to more clearly define the duties of Chief Clerk, the Journal Clerk, and the Copying Clerk, and to fix their pay.

REPORT.

Mr. Beach made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and report correctly engrossed Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of this State, so far as relates to the counties of Santa Clara and Contra Costa;

Also, Assembly Bill No. 3, An Act concerning the County Recorder of the county of San Luis Obispo.

BEACH,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Schmidt, An Act concerning the organization of the Militia.

Read first and second times and referred to the Committee on Military Affairs.

By Mr. Jenkins, An Act to amend an Act entitled "An Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for School purposes by act of Congress," passed March third, one thousand eight hundred and fifty-three, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Committee on Public Lands.

By Mr. Sawyer, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Swan, An Act limiting the termination of proceedings of Corporations in certain cases.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Warner, An Act to enable Fernando F. Gallardo, son and heir of Felix Gillardo deceased, to settle the unsettled estate of his father for the benefit of the heirs of said deceased;

And An Act to amend "An Act supplemental to an Act entitled 'An Act to amend an Act to regulate proceedings in Civil Cases,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, approved February twenty-first, one thousand eight hundred and fifty-nine, passed April second, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 1, An Act to amend an Act entitled "An Act defining

the time of commencing Civil Actions," passed April twenty-second, one thousand eight hundred and fifty;

Also, Assembly Bill No. 2, An Act to amend an Act entitled "An Act concerning Attorneys and Counselors at Law," passed February nineteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill No. 37, An Act amendatory of the Act entitled "An Act for the relief of Insolvent Debtors and protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two—

Were indefinitely postponed.

Assembly Bill No. 10, An Act to amend "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Courts of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill No. 40, An Act to authorize the Administratrix of the estate of John McKenna, deceased, to sell real estate of deceased at private or public sale.

Also, Assembly Bill No. 41, An Act supplemental to an Act entitled "An Act to repeal the several acts incorporating the City of Benicia, and to provide for the government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine;—

Were ordered engrossed.

At twenty minutes before two o'clock, P. M., on motion of Mr. Henry, the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 21, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Mr. Malarin was absent.
Journal of yesterday read and approved.

PETITIONS.

Petitions were presented:

By Mr. Smith, of Nevada, of citizens of Nevada, for repeal of Attachment Law of one thousand eight hundred and fifty-eight.

Referred to the Judiciary Committee.

By Mr. Harville, of citizens of Placer County for Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Rogers, of San Francisco:

Mr. SPEAKER :—Your Committee on Public Expenditures and Accounts have examined and found correct the following accounts, to wit :

Account of Wells, Fargo & Co., of January 6th, for Franks, amounting to	$50 00
Account of Wells, Fargo & Co. of January 4th, for Franks, amounting to	100 00
Account of John Anderson, of January 12th, for repairing Door of Assembly, amounting to	3 50
Account of J. Keenan of January 19th, for Filter, amounting to	60 00
Account of Genella of January 6th, for Pitchers and Tumblers, amounting to	6 25
Account of C. T. Botts of January 21st, for Papers, amounting to	159 75
Total	$379 50

And your Committee recommend that this amount be paid out of the Contingent Fund of the Assembly.

D. ROGERS,
Chairman.

By Mr. Henry :

Mr. SPEAKER :—The Committee on Commerce and Navigation have considered Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine, report the same back and recommend its passage.

B. M. HENRY,
Chairman,
JAMES N. MAKINS,
JAMES A. JOHNSON,
MINER WALDEN,
G. W. BAILEY,
Of the Committee.

SACRAMENTO, January 21st, 1860.

By Mr. Lamar :

Mr. SPEAKER :—The Committee on Ways and Means, to whom was referred Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the collection of the same, report the same back to the House and recommend its passage.

LAMAR,
Chairman.

By Mr. Stevenson :

Mr. SPEAKER :—The Committee on Claims, to whom was referred Assembly Bill, No. 14, An Act to pay Mary Harrison for services rendered at the State Insane Asylum, report the same back and recommend its passage :

Also, Assembly Bill, No. 64, An Act to appropriate money to defray the expenses of the Inauguration of Governor M. S. Latham and Lieutenant-Governor J. G. Downey, report a substitute and recommend its passage.

E. A. STEVENSON,
Chairman.

By Mr. Rogers, of San Francisco:

Mr. Speaker:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the city and county of San Francisco, and to levy and collect Tolls thereon, have had the same under consideration, and they report the same back and recommend its passage as amended;

Also, Assembly Bill, No. 17, An Act to grant to certain parties the right of constructing a Road from Larkin Street to Point Lobos in the city and county of San Francisco, they have had under consideration, and report the same back, together with the accompanying substitute, and recommend its passage.

ROGERS,
For the Delegation.

The rules were suspended and the House concurred in the amendments of the San Francisco Delegation to Assembly Bill, No. 58, above reported, the bill further amended and ordered engrossed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, January 21, 1860.

To the Honorable the Assembly of the State of California:

I transmit herewith, for the information of your Honorable Body, a copy of a letter addressed by me to Gen. Clark, United States Army, commanding the Pacific Division, on the subject of the Indian hostilities in Mendocino County (A), and also a copy of his reply thereto (B).

Satisfactory evidence having been received at this department that immediate relief is needed in that locality, and, as delay would seem inevitable on the part of the government troops, I would respectfully recommend that the Legislature give the succor demanded, until such time as the required aid shall be furnished by General Clark.

JOHN G. DOWNEY.

[A]

Sacramento, January 18, 1860.

Dear Sir:—Information has been received by this department that the Indians inhabiting the district of country composing the county of Mendocino, and particularly in the neighborhood of Round Valley, are exceedingly hostile, committing depredations of a serious character, murdering and troubling the settlers.

A Committee of the Legislature waited on me to-day and requested me to address you on the subject, and to ascertain whether you can send a force sufficient for the protection of the inhabitants.

I cannot too strongly urge upon you the necessity of having govern-

ment troops sent forward for their immediate protection, and respectfully request you will communicate with this department on the subject at your earliest convenience.

Very respectfully,

[Signed] JOHN G. DOWNEY,
Governor of California.

To Major-General CLARK,
Commanding Pacific Division,
U. S. Army, San Francisco

[B]

HEAD-QUARTERS, DEP'T OF CALIFORNIA,
San Francisco, January 20, 1860.

SIR :—I have the honor to acknowledge the receipt of your letter of January eighteenth, informing me that the Indians inhabiting the district of country composing the county of Mendocino, and particularly in the neighborhood of Round Valley, "are exceedingly hostile, committing depredations of a serious character, murdering and robbing the settlers," and asking "whether you (I) can send a force sufficient for the protection of the inhabitants."

I reply, I have to inform your Excellency that I have troops sufficient and ready to move to any point where their services are needed for the protecting the persons or the property of the citizens of this State.

I have an officer now in Round Valley, with a detachment of troops; he has not reported to me any hostile movement among the Indians, nor a single murder.

I will call on him to-day to report fully and promptly, and on receiving his report will act or communicate to your Excellency the state of the case as presented to me.

I am, Sir,
Very respectfully,
Your obedient servant,

[Signed] N. J. CLARK,
Col. 6th Inf'y, Br't Brig-Gen. Com'g.

His Excellency,
JOHN G. DOWNEY,
Governor State of California, Sacramento.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Williams:

Concurrent Resolution, Relative to the New Almaden Mines.

Made special order for Thursday next at twelve, M.

By Mr. Fairchild:

Resolved, That the Senate and Assembly, the Senate concurring, meet in Joint Convention in this Chamber, on Tuesday evening next, at half past seven o'clock, P. M., to determine what sum of money, if any, should be drawn from the State treasury, for the purpose of paying the expenses attending the Inauguration of Ex-Governor Milton S. Latham. And further, that the bill just reported from Committee on Claims, be submitted for final action to said Joint Convention.

Laid on the table.

By Mr. Crowell:

Resolved, That T. M. Carson be, and hereby is, appointed Watchman of the Assembly Chamber, and that he receive the same per diem as Porters, payable out of the Contingent Fund of the Assembly.

Indefinitely postponed.
By Mr. Jenkins:

Resolved, That the Committee on Claims be, and are hereby empowered to employ a Clerk whenever they may deem his services necessary.

On its adoption, Messrs. O'Conner, Hundley, and Conness demanded the ayes and noes, and the resolution was adopted by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Bell, Bowman, Burson, Campbell, Conn, Coombs, Covarrubias, Curtis, Daggett, Dunlap, Gallagher, Goodman, Groom, Halsted, Hammond, Hawley, Hayes, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lambert, Lawrence, Lovel, Makins, Malarin, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, Yager, and Yancey—56.
Noes—Messrs. Bailey of Tuolumne, Conness, Crowell, Fairchild, Gwinn, Haliday, Harville, Howe, Hundley, Kungle, O'Connor, Rodgers of Tuolumne, Shannon, Swan, Walden, Warner, and Mr. Speaker—17.

By Mr. Conness:

Resolved, That Mr. Welty of Sacramento be added to the Committee on the Judiciary.

Adopted.
By Mr. Goodman:

Resolved, That the Committee on Public Buildings and Grounds of the Assembly, shall form a part of the State Prison Committee, for the special purpose of visiting the State Prison.

Lost.
The State Prison Committee had indefinite leave of absence.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:
By Mr. Maxson, An Act to repeal an Act entitled "An Act to provide for the Permanent Location of the Seat of Government of the State of California," passed February twenty-fifth, one thousand eight hundred and fifty-four, and to fix the Seat of Government at the City and County of San Francisco.
By Mr. Yancey, An Act to appoint two Inspectors of Stamps, and to appropriate a sum for the payment of said Inspectors.
By Mr. McDermit, An Act amendatory of an Act entitled "An Act defining the boundaries of the City of Yreka."

By Mr. Shelton, An Act to provide for the better maintenance of the Indigent Sick of Calaveras County.

By Mr. King, An Act to amend "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four.

By Mr. White, An Act to repeal "An Act to authorize Married Women to transact business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two.

By Mr. Gwinn, An Act to license Stallions and Jacks, and apply the proceeds to the use of Common Schools.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Patten, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Yager, An Act to fix the compensation of the District Attorney of the County of Contra Costa.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Welty, the House reconsidered the vote by which the House, on yesterday, refused to concur in Senate Concurrent Resolution, No. 21, Relative to leave of absence of John S. Wood, County Treasurer of Napa County, and the resolution was concurred in.

The House refused to reconsider the vote by which, on yesterday, Senate Concurrent Resolution, No. 24, Relative to a Committee of two on Translation in Senate, was adopted, and Messrs. Pate and White, were appointed by the Speaker the committee on the part of the House.

GENERAL FILE.

Assembly Bill, No. 47, An Act to grant to A. P. Overton, and others, whom he may associate with him, and their assigns, the right of laying a Railroad Track along certain streets in the City of Petaluma.

Committee amendments concurred in, and ordered engrossed.

Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 55, An Act to enable County Judges to alternate—were ordered engrossed.

REPORT.

Mr. Daggett made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six.

JOHN DAGGETT,
Chairman.

At one o'clock, P. M., on motion of Mr. Bailey of Tuolumne, the House adjourned to Monday morning, at eleven o'clock.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 23, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and Mr. Welty was absent.

Messrs. Warner, Rodgers of Tuolumne, Walden, Yancey, Schmidt, Phelps, and Laspeyre, had leave of absence for one day each, and Mr. Pate for two days.

The Journal of Saturday last was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Smith of Nevada:

Of Farmers and Stock Raisers of Nevada County, relative to trespassing of animals on private property.

Referred to Committee on Agriculture.

By Mr. Johnson of Sierra:

Of residents of Pine Grove, Sierra County, for repeal of Attachment Law.

Referred to Judiciary Committee.

REPORTS.

Reports were made as follows:

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined, and report as correctly engrossed Assembly Bill No. 10, An Act to amend "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill No. 27, An Act explanatory of "An Act to regulate Fees in Office in certain counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill No. 40, An Act to authorize the Administratrix of the estate of John McKenna, deceased, to sell Real Estate of deceased at private or public sale;

Also, Assembly Bill No. 41, An Act supplementary to an Act entitled "An Act to repeal the several acts incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine.

BEACH,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Lamar:

Resolved, That the Committee of Ways and Means be authorized to employ a Clerk, and that the pay shall date from Friday, the twentieth, of January, one thousand eight hundred and sixty.

Adopted.

By Mr. Rogers of San Francisco:

Resolved, That the Controller be authorized to draw his Warrant on the State Treasurer in favor of C. W. Tozer, Sergeant-at-Arms of the Assembly, for the sum of three hundred and seventy-nine dollars and fifty cents ($379 50), payable out of the Contingent Fund of the Assembly, the said amount being in full of certain accounts recommended to be paid by the Committee on Public Expenditures and Accounts.

By Mr. Shannon:

Resolved, That a committee of three be appointed by the Speaker to take into consideration the expediency of reorganizing the clerical department of this House, and to report a bill if they shall find it expedient, and shall have power to send for persons and papers.

Adopted, and Messrs. Shannon, Gwinn and Theller appointed the Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Smith of Nevada, An Act to amend the Act of March thirty-first, one thousand eight hundred and fifty-five, to prevent the trespassing of animals upon private property.

By Mr. Daggett, An Act to legalize the apportionment of the Debt and Interest of Klamath and Del Norte Counties.

By Mr. Wescott, An Act to locate a Branch of the State Insane Asylum at the city of Marysville.

By Mr. Goodman, An Act to amend "An Act to repeal an Act passed March twentieth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.'"

By Mr. Fairchild, An Act authorizing and requiring Justices of the Peace of the State of California (excepting such as are residents of any of the incorporated cities thereof), to exact the payment of a License Fee of —— dollars upon every person, whether male or female, before it shall be lawful for any such person or persons to lecture for the purpose of disseminating or spreading of that modern and blasphemous dogma familiarly known as Spiritualism or Table Moving, and that said License Fees, so collected, be paid into the public treasury for the benefit of the Insane Asylum.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Johnson of Sierra, An Act to create the County of Alturas, define the Boundaries and provide for the organization thereof.

Read first and second times and referred to Committee on Counties and County Boundaries.

By Mr. Shattuck, An Act concerning Roads and Highways in the counties of Alameda and Santa Clara.

Read first and second times, and referred to the delegations from Santa Clara and Alameda.

By Mr. Starr, An Act to authorize the Board of Supervisors of the City and County of Sacramento to appropriate certain moneys in the City and County Treasury, and in the City Treasury, to the payment of the current expenses of the City and County, and of the City, for the fiscal year ending February twenty-ninth, one thousand eight hundred and sixty.

Read first and second times, and referred to Sacramento Delegation.

By Mr. Smith of Sutter, An Act supplementary to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to Sutter Delegation.

By Mr. Bowman, An Act fixing the compensation of the Members of the Board of Supervisors of the County of Amador.

Read first and second times, and referred to the Amador Delegation.

By Mr. Bailey, of Santa Clara, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Lamar, An Act to extend the time for the collection of Taxes in Mendocino County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Gwinn, An Act to provide for taking the Census of the State of California in the year one thousand eight hundred and sixty.

Read first and second times and referred to the Committee on Ways and Means.

By Mr. King, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four.

Read first and second times and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill, No. 49, An Act to provide for the publication of the Laws and Decisions relative to the Civil Practice of this State in force at the expiration of the eleventh session of the Legislature.

Considered in Committee of the Whole, reported, with recommendation to recommit the bill to the Judiciary Committee with instructions to inquire into the expediency of codifying all the laws in force at the end of the present session.

Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," so far as relates to the counties of Santa Clara and Contra Costa—recommitted to the delegation from Santa Clara and Contra Costa, reported back, its passage recommended, read third time and passed.

Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spirituous, and Alcoholic Liquors, Wines, or Cider—considered in Committee of the Whole, reported, and recommitted to the Committee on Public Morals.

Assembly Bill, No. 17, An Act to grant to certain parties the right of constructing a Road to Point Lobos in the City and County of San Francisco—substitute reported by the San Francisco Delegation adopted, and bill ordered engrossed.

Assembly Bill, No. 35, An Act to authorize the Tax Collector of Men-

docino County to collect certain Delinquent Taxes, and to extend the time for the collection of the same—ordered engrossed.

Mr. Crowell moved a call of the House.

Lost.

Mr. Hundley move to adjourn.

Lost.

Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine—ordered engrossed.

Assembly Bill, No. 64, An Act to appropriate money for the expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey—substitute considered in Committee of the Whole, substitute reported and recommended, substitute adopted, and bill made the special order for to-morrow at twelve o'clock, M.

At twenty-five minutes past one o'clock, P. M., on motion of Mr. Wescott, the House adjourned until eleven o'clock, A. M. to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 24, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called, and the following members were absent, viz: Messrs. Ellis and Schmidt.

Messrs. Schmidt and Yancey had leave of absence for one day each, Mr. Ellis for two days, and Mr. Coombs indefinite leave.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented, as follows:

By Mr. Stevenson:

Of citizens of Tehama County, for Sunday Law.

Referred to Committee on Public Morals.

By Mr. Goodman:

Of property holders on the Cosumnes and Mokelumne rivers, for formation of new county.

Referred to Committee on Counties and County Boundaries.

By Mr. Johnson, of Sierra:

Of citizens of St. Louis and vicinity, in Sierra County, in relation to new county..

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Lamar:

Mr. SPEAKER:—Senate Bill, No. 32, for An Act to exempt from Taxation certain property of the Masonic Hall Association, having been re-

ferred to the Committee on Ways and Means, we have duly considered it, and ask leave to make the following report:

In the discharge of our duty as the Financial Committee of the House, we feel compelled to withhold from the Bill our indorsement. The charitable and benificent character of Masonic Associations, should certainly entitle them to the most favorable consideration, but to pass a law releasing from taxation a certain piece of property belonging to the Masonic Order, would be regarded by other benevolent societies as an act of invidious distinction. To pass this act, and go no further, would be an unjust discrimination, and to make it a precedent for subsequent legislative action, would be dangerous to the public interest. Therefore we respectfully recommend the indefinite postponement of the bill.

The committee recommend the immediate passage of Senate Bill, No. 8, An Act appropriating money for the pay of Copying done for the Legislature.

LAMAR,
Chairman.

By Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly Enrolled Assembly Bill, No. 21, An Act to amend an Act entitled, "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 33, An Act to extend the time for the Tax Collector of Sutter County to collect the Taxes in said County, and make his final settlement with the Auditor;

Also, Assembly Bill, No. 60, An Act to extend the time to the Tax Collector of the County of Napa, to collect the Taxes in said County, and make his final settlement with the Auditor;

Also, Assembly Concurrent Resolution, No. 30, Relative to Sunday Mails;

Also, Assembly Bill, No 26, entitled An Act to extend the time for collecting Taxes in the county of Contra Costa, and beg leave to report the same correctly enrolled.

JOHN DAGGETT,
Chairman.

By Mr. Smith, of Sutter:

Mr. Speaker:—Having examined Assembly Bill, No. 81, report the same back and most respectfully recommend its passage without amendment.

SUTTER DELEGATION.

By Mr. Bowman:

Mr. Speaker:—The Amador Delegation, to whom was referred Assembly Bill, No. 80, fixing the compensation of the Members of the Board of Supervisors of Amador County, report the same back and recommend its passage.

JOHN H. BOWMAN,
P. C. JOHNSON.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 23d, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have this day approved Assembly Bill, No. 36, An Act to authorize John Wilson to sell certain lands in San Luis Obispo County, belonging to his infant son, John D. Wilson:

Also, Assembly Bill, No. 32, An Act to extend the time for collecting Taxes in the county of Solano;

Also, Assembly Bill, No. 23, An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property and collecting Taxes levied thereon for State and county purposes, in the counties of Sierra and Plumas," so far as the provisions of said act relate to the county of Plumas;

Also, Assembly Concurrent Resolution, No. 17, instructing our Senators and requesting our Representatives to endeavor to procure the passage of a law of Congress providing for the carrying of a Daily Overland Mail;

Also, Assembly Concurrent Resolution, No. 13, instructing our Senators and requesting our Representatives to use their endeavors with the Postmaster-General to procure the establishment of a Semi-Weekly Mail from San Juan, in Monterey County, *via* Salinas, San Luis Obispo, and Santa Barbara, to the city of Los Angeles.

I have also the honor to acknowledge the receipt of Assembly Memorial, No. 7, memorializing Congress to certify to the State of California all lands that have been sold by her as swamp and overflowed lands; also to run general lines of segregation between the swamp and overflowed and high lands within this State, and will take pleasure in transmitting to our Senators and Representatives in Congress copies of the same at as early a period as possible.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 24, 1860.

To the Honorable the Assembly of California:

I have to inform you Honorable Body that I have this day signed and approved Assembly Bill, No. 29, An Act to amend an Act entitled "An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 26, An Act to extend the time for collecting Taxes in the county of Contra Costa.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Lamar:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to furnish such articles of stationery, for the use of the Assembly and com-

mittees, as cannot be procured from the Secretary of State's office, payable out of the Contingent Fund of the Assembly.

Adopted.
By Mr. McDermit:

Resolved, That a committee of three be appointed for the purpose of auditing and examining the copying done by the Clerks of this House.

Adopted.
Messrs. McDermit, Patten, and Shannon, were appointed on the committee.
By Mr. Stevenson:

Concurrent Resolution, Relative to Daily Mails in the northern part of the State.

Adopted.
By Mr. Gwinn:

Concurrent Resolution, Relative to Fireman.

Adopted.
Also:—

Resolved, That the Assembly will not entertain a motion to adjourn until four o'clock, P. M., unless the order of business be gone through with at an earlier hour.

Laid over under the rules.

REPORT.

Mr. Beach made the following report:

Mr. SPEAKER:—The Committee on Engrossment report as correctly engrossed Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the city of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven;
Also, Assembly Bill, No. 55, An Act to enable County Judges to alternate;
Also, Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon.

BEACH,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, January 21, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 60, An Act to extend the time to the Tax Collector of the County of

Napa to collect the Taxes in said County, and make the final settlement with the Auditor;

Also, have passed Assembly Bill, No. 33, An Act to extend the time for the Tax Collector of Sutter County to collect the Taxes in said County, and make his final settlement with the Auditor;

Also, have passed Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County to make an annual appropriation to the Santa Clara Valley Agricultural Society, and legalizing an appropriation heretofore made, with amendments;

Also, have concurred in Assembly Concurrent Resolution, No. 25, Relative to Joint Committee on the Constitution;

Also, have adopted Senate Concurrent Resolution, No. 26, Relative to the Mail Service.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No. 26, above reported, was taken up, and an amendment offered by Mr. Welty.

Pending which, the hour arrived for taking up the special order of the day, being Assembly Bill, No. 64, An Act to appropriate money for the expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey, was considered in Committee of the Whole, Mr. Daggett in the Chair, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Consideration of Senate Concurrent Resolution, No. 26, resumed, amended, and as amended concurred in.

The House concurred in Senate amendments to Assembly Bill, No. 39, reported in said message.

SENATE CHAMBER,
Monday, January 24th, 1860.

Mr. SPEAKER:—The Senate, on yesterday, concurred in Assembly Concurrent Resolution, No. 26, Relative to enrolling Assembly Bill, No. 26.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Monday, January 23, 1860.

Mr. SPEAKER:—The Senate, this day, adopted Senate Concurrent Resolution, No. 28, Relative to certain Mail Routes in the northern portions of this State;

Also, concurred in Assembly Concurrent Resolution, No. 30, Relative to a Sunday Mail;

Also, concurred in Assembly Concurrent Resolution, No. 21, Relative to printing documents relative to the division of the State;

Also, concurred in Assembly Concurrent Resolution, No. 27, Relative to State Librarian, with an amendment;

Also, concurred in Assembly Concurrent Resolution, No. 23, Relative to printing in the Spanish language the reports of the Superintendent of Public Instruction and State Treasurer, with amendments;

Also, have receded from Senate amendment to Assembly Concurrent Resolution, No. 19, Relative to printing the Governor's Message in German;

Also, have passed Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc;*

Also, have passed Assembly Bill, No. 21, An Act to amend an Act en

titled "An Act to create the county of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate amendment to Assembly Concurrent Resolution, No. 7, above reported, and concurred in Senate amendments to Assembly Concurrent Resolution, No. 23, above reported.

The House also concurred in Senate Concurrent Resolution, No. 28, above reported.

SENATE CHAMBER,
January 24, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill No. 13, An Act to authorize the Administrator of the Estate of Samuel J. Crosby, deceased, to sell and convey Real Estate;

Also, have passed Assembly Bill, No. 54, An Act to extend the time for the collection of State and County Taxes in the County of Sonoma, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 13, above reported, read first and second times, and referred to the Judiciary Committee.

The House concurred in Senate amendments to Assembly Bill, No. 54, above reported.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Starr, An Act to provide for the collection of Delinquent Taxes of the City of Sacramento for the year one thousand eight hundred and fifty-seven.

By Mr. Starr, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State."

By Mr. Johnson of Amador, An Act concerning Kidnapping.

By Mr. Rogers of San Francisco, An Act amendatory of, and supplementary to, "An Act to regulate proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one.

By Mr. Haliday, An Act to relocate and fix the County Seat of Sierra County.

By Mr. Gwinn, An Act to authorize Thomas Kirk, and others, his associates, to reclaim certain Swamp and Overflowed Lands lying in Yolo and Colusa Counties.

By Mr. Heston, An Act providing for an extension of the time for collecting Taxes in Tulare County.

By Mr. McDermit, An Act to amend an Act supplementary to "An Act to fund the debt of Siskiyou County," approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Maxson, An Act to repeal an Act entitled "An Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City," passed February twenty-fifth, one thou-

sand eight hundred and fifty-four, and to fix the same at the City and County of San Francisco.

Read first and second times, and referred to a Special Committee of five.

The Speaker appointed Messrs. Maxson, Gallagher, Crowell, Welty, and Bowman, such committee.

By Mr. Burson, An Act to provide for the Publication of the General Laws of the State of California in a single Volume, and for the more thorough distribution of the same.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Johnson of Amador, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welty, An Act to appropriate money for the payment of General A. M. Winn, for Military Services.

Read first and second times, and referred to the Committee on Claims.

Also, An Act to grant the right to construct a Bridge across the American River, at its mouth, to parties therein mentioned.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Beach, An Act to provide for the disposal of the sixteenth and thirty-sixth sections of land, donated to this State for School purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund.

Read first and second times, referred to the Committee on Education, and ordered printed.

By Mr. Walden, An Act to annex a portion of Tuolumne, Calaveras, and San Joaquin counties to Stanislaus County.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Welty, An Act to change the name of Franklin Ralph Jones to Franklin Ralph.

Read first time.

GENERAL FILE.

Assembly Bill, No. 41, An Act supplementary to an Act entitled "An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 40, An Act to authorize the Administratrix of the estate of John McKenna, deceased, to sell Real Estate of deceased at private or public sale;

Also, Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 10, An Act to amend "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 58, An Act to authorize William Greene and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and levy and collect Tolls thereon.

And, Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven, were read third time and passed.

Senate Bill, No. 8, An Act appropriating money for the pay of Copying done for the Legislature—considered in Committee of the Whole, reported and recommended, read third time and passed.

Assembly Bill, No. 14, An Act to pay Mary Harrison, for services rendered at the State Insane Asylum—considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 55, An Act to enable County Judges to alternate.

On the passage of the bill, Messrs. Shannon, Burson, and Laspeyre demanded the ayes and noes, and the bill was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bowman, Gallagher, Goodman, Gwin, Harville, Hundley, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Makins, Maxson, Patten, Phelps, Rogers of San Francisco, Shannon, Shattuck, Shelton, Smith of Sutter, Starr, Swan, Theller, Welty, Wescott, White, Williams, Wilson, and Mr. Speaker—30.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Burson, Campbell, Conn, Conness, Crowell, Curtis, Dunlap, Fairchild, Haliday, Halsted, Hammond, Hugg, Jenkins, King, Kungle, Lamar, McDermit, O'Connor, O'Rear, Rodgers of Tuolumne, Smith of Nevada, Stone, Tilton, Walden, Warner, Watson, Wilkins, and Yager—31.

On motion of Mr. Shannon, ten minutes before three o'clock, P. M., the House adjourned to eleven o'clock, A. M., to-morrow morning.

IN ASSEMBLY.

House of Assembly,
Wednesday, January 25, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent, viz: Messrs. Goodman, Holiday, Johnson of Sierra, and Theller.

Mr. Goodman had three days leave of absence.

The Journal of yesterday was read and approved.

REPORTS.

Reports were read as follows:

By Mr. Williams:

Mr. Speaker:—The Judiciary Committee to whom was referred Assembly Bill No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases;

Also, Assembly Bill, No. 4, An Act granting permission to poor persons to prosecute and defend actions in the Courts of the State, and for the appointment of Attorneys;

Also, Assembly Bill, No. 79, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty, have been under careful consideration, and your committee report the three bills back, and recommend that they be indefinitely postponed.

Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-seven, is reported back, with the recommendation that it pass.

Your committee have also had under advisement Assembly Bill, No. 74, An Act to fix the compensation of the District Attorney of the County of Contra Costa, and report the same back amended, and recommend its passage as amended.

WILLIAMS,
Chairman.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc*.

JOHN DAGGETT,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Shattuck:

Resolved, By the Assembly, the Senate concurring, that a Committee of seven from the Assembly and four from the Senate, be appointed to investigate the two propositions made for the removal of the Seat of Government, and report thereon.

Adopted, and Messrs. Shattuck, Maxson, Gallagher, Bowman, Welty, Crowell, and Heston, appointed such committee.

By Mr. Conness:

Resolved, That his Excellency the Governor, is hereby requested to transmit to this House, at his earliest convenience, copies of all correspondence which has taken place between the Executive of this State and the officers in command of the federal forces within the State during the past year, relating to the Indian disturbances.

Adopted.

By Mr. Bailey of Santa Clara:

Resolved, That the Committee on Education be instructed to inquire into and report to the House the expediency of establishing a State University in this State, in which the highest branches of education shall be taught.

Adopted.

By Mr. Bailey of Tuolumne:

Concurrent Resolution to establish a Weekly Mail between Sonora, Tuolumne County, and Monoville, in Western Utah.

Adopted.

Mr. Williams had leave to substitute a Concurrent Resolution in the place of Assembly Concurrent Resolution No. 31, relative to the New Almaden Mine, which was made the special order for to-morrow, at twelve o'clock, M.

Mr. White was added to the Committee on Mines and Mining Interests.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. O'Conner, An Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk in the County of Nevada, and fix the salaries of the officers elected to fill said offices;

Also, An Act concerning the office of County Clerk of Nevada County;

Also, An Act to separate the office of Sheriff and Collector of Foreign Miners' License Tax from the office of collector of property tax in Nevada County, and to fix the salaries of said officers.

By Mr. Welty, An Act to amend an Act entitled "An Act declaring certain Rivers and Creeks navigable, so far as relates to the American Fork River."

By Mr. Stone, An Act concerning Weights and Measures.

By Mr. Shelton, An Act to confirm and legalize the Tax List or Assessment Roll of Calaveras County, for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same.

By Mr. Lawrence, An Act to permanently locate the Seat of Government at Sacramento, and authorizing the erection of a Capitol and suitable buildings for State Officers.

SECOND READING OF BILLS.

Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones to Franklin Ralph—read second time and referred to the Judiciary Committee.

REPORT.

Mr. Beach made the following report:

MR. SPEAKER:—The Committee on Engrossment report as correctly engrossed the following bills:

Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine;

Assembly Bill, No. 78, An Act to extend the time for the collection of Taxes in Mendocino County;

Also, Assembly Bill, No. 47;

Also, Assembly Bill No. 35.

BEACH,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Starr, An Act in relation to the Writ of Ne Exeat.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wescott, An Act to establish and create a Branch of the State Insane Asylum at the City of Marysville.

Read first and second times, referred to the Committee on State Hospitals, and ordered printed.

By Mr. Campbell, An Act to create the County of Mokelumne, and to provide for its Organization.

Read first and second times and referred to Committee on Counties and County Boundaries.

By Mr. Hugg, An Act to repeal an Act entitled "An Act to amend 'An Act to provide for the protection of Foreigners and to define their liabilities and privileges,'" approved April nineteenth, one thousand eight hundred and fifty-six, and to revive the Act approved April thirtieth, one thousand eight hundred and fifty-five.

Read first and second times and referred to Committee on Mines and Mining Interests.

By Mr. Yancey, An Act amendatory of, and supplementary to, "An Act (approved April twenty-ninth, one thousand eight hundred and fifty-seven,) to provide Revenue for the support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills, and other matter."

Read first and second times and referred to the Committee on Ways and Means.

By Mr. McDermit, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the Debt of Siskiyou County,'" approved April twenty-seventh, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight.

Read first and second times and placed on file.

GENERAL FILE.

Senate Bill, No. 32, An Act to exempt from taxation certain property of the Masonic Hall Association—recommitted to Committee on Ways and Means.

Assembly Bill, No. 81, An Act supplementary to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine—ordered engrossed.

Assembly Bill, No. 80, An Act fixing the compensation of the members of the Board of Supervisors of the County of Amador—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine—read third time and passed.

Assembly Bill, No. 47, An Act to grant to A. P. Overton, and others whom he may associate with him, and their assigns, the right of laying a Railroad Track along certain Streets in the City of Petaluma—laid on table.

Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the collection of the same—read third time and passed.

UNFINISHED BUSINESS.

The resolution offered yesterday, fixing the time for adjourning daily, was taken up.

Mr. Shannon offered the following amendment:

Strike out all after the word "resolved," and insert as follows:

Resolved, By the Assembly, the Senate concurring, that the Legislature will adjourn, *sine die*, on the fifteenth day of March, one thousand eight hundred and sixty.

The Speaker (Mr. Stevenson) having decided that the amendment was in order, Mr. Laspeyre appealed, and the House refused to sustain the Chair.

On motion of Mr. Warner, the whole matter was laid on the table.

At fifteen minutes before one o'clock, P. M., on motion of Mr. Lamar, the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 26th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called, and Mr. Campbell was absent.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Williams, of citizens of Santa Clara County, relative to New Almaden Mines.

Referred to Committee of the Whole.

By Mr. Johnson of Sierra, relative to Alturas County.

Referred to Committee on Counties and County Boundaries.

By Mr. Lovell, of Citizens of Placer County, for Sunday Law.

Referred to Committee on Public Morals.

By Mr. Welty, of citizens in relation to formation of Mokelumne County.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Wilkins, from majority of Committee on Federal Relations:

MR. SPEAKER:—The Committee on Federal Relations, to which was referred a communication from His Excellency Governor Latham, to the President of the United States, and also Resolution, No. —, both having reference to a division of this State, have had the same under consideration, and respectfully report:

That, having examined the legislative history of the States forming this Union, and that of the Federal Government, respecting the relinquishment and acquisition of territory and sovereignty, since the adoption of the Constitution of the United States, as well as the provisions of that Constitution upon the subject matter under consideration, agree fully with Governor Latham, and concur in the opinion that "the Act of the California Legislature is valid," and that the Federal Constitution, which is superior to those of individual States, "does not require any

action by the people," in case of a relinquishment of a part of its territory, by a State, to the Federal Government, but that the entire jurisdiction of the case is delegated to the respective Legislatures.

Your committee would hesitate, were they even doubtful of the validity or propriety of the law of one thousand eight hundred and fifty-nine, before they could give their assent to the proposition embraced in this resolution. The people of this State, in a constitutional manner, have enacted a law, which has been published and known throughout the State, for almost a year, and your committee is not aware of any general dissatisfaction to the provisions therein contained, or the results contemplated. This resolution, now reported back, proposes to render nugatory that act, by a concurrent resolution of this Legislature, brought forward and proposed without any demonstration in its favor on the part of the people—to compel by instructions the Senators and Representatives of the State and people, in Congress, to oppose the execution of their deliberate and solemn act of legislation, incorporated in the statutes of this State.

Your committee, convinced of the impropriety of this mode of defeating the objects of a law, and impressed with the conviction that the best interests not only of the inhabitants of the Territory under consideration, but the whole people of California, as well as the entire community of the Pacific coast of the United States, will be promoted by this separation and the organization of a greater number of States along its shores than was contemplated in one thousand eight hundred and forty-nine, could but view the adoption of this resolution with unfeigned regret.

Your committee would, therefore, recommend its indefinite postponement.

CHAS. P. WILKINS,
Chairman.

By Mr. Williams, from minority of same committee:

Mr. Speaker:—The undersigned members of the Committee on Federal Relations, to whom was referred the subject matter of the segregation of certain counties of this State from the State Government, beg leave to submit the following as their report:

The proposition to dismember this State in the manner adopted, suggests two questions for the careful consideration of the Legislature before final action is had thereupon. These are, is the mode proposed constitutional, and if so is it expedient? It seems to us that nothing short of an extremely latitudinarian construction of constitutional provisions and inhibitions can discover any warrant for such a scheme in our fundamental laws, whether Federal or State. The Federal Constitution is a grant of specific powers, and by these terms all powers not therein conferred upon the General Government are reserved to the State and to the people. A strict construction of that instrument in determining the powers of government under it has become the acknowledged rule in all the courts of the country, and wisely and necessarily so in order to preserve intact the sovreignty of the States and the rights of their citizens. The bare recognition of State Sovereignty precludes at once all idea of an interference of Congress in any and all those matters necessary and proper to its effective and permanent establishment and maintenance. Hence the power to segregate from a State a portion of territory clearly and undeniably within its jurisdiction must be explicitly granted to Congress,

or by necessary implication deduced from powers clearly conferred, or the act will be an infraction of State Sovereignty and an usurpation.

The clause under which it is contended that Congress may consummate the project already begun to divide this State is as follows:

New States may be admitted by Congress into this Union, but no new State can be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress. (Art. 4, Sec. 3.)

Here is express power to form new States out of old States, but that power is distinctly limited and restricted. It is not power to organize a Territorial Government—it is not power simply to dismember a State—it is not power to strip any portion of the territory of a State of its sovereignty for any other purpose than to form a new State, and as these southern counties are not asking to be admitted into the Union as an independent State, but only to be remitted to a territorial condition on account of the burdens of a State Government, they do not come within the scope of this provision. State Sovereignty, which is inherent not as the Legislature of the State, but in the people thereof—the whole people—and so expressed in Sec. 2, Art. 1, of our Constitution, as follows:

"All political powers are inherent in the people—government is instituted for the protection, security, and benefit of the people," would not be worth a farthing, if it could be destroyed by Congress in the manner proposed, whenever a Legislature could be found complaisant enough to sanction such a a proceeding.

The strongest barrier we have against the encroachments of federal power would be broken down, and it would only be necessary to secure the Legislatures of the various States by money or political favors, in order to centralize all power and consolidate all government.

The precedent is too dangerous to be established.

Another restriction of the power of Congress to form and admit new States out of old States, and far more formidable to the proposed segregation, lies in the required consent of the Legislature.

In organizing the State Government a compact was entered into, providing that mutual duties should be performed, and mutual rights protected. To this compact every citizen of the State is a party, and one of the rights to be protected, and one of the duties to be performed is, that no statute passed by the law making power, shall have the force of law, nor shall the people be required to obey it unless such statute shall have been passed according to the requisites and in pursuance of the provisions of the State Constitution. The Legislature can exercise no power, can give no consent, either for the enactment of a law, or the division of the State, unless there be a constitutional warrant for the power. When the Legislature is called upon to consent to the change of the boundaries of the State, involving a change of the Constitution, a reasonable view of the proposition would seem to demand that that consent be given in the same manner as the law-making power in any other respect is exercised, subject to the provisions of our State Constitution. With power thus clearly enumerated and limited, we have no difficulty in deciding that the Legislature has no right to consent to the segregation of State Territory by the single enactment of a statute. The effect of such an enactment would be to annul the compact of citizenship, unsettle rights of property, derange civil government, and create endless litigation among persons residing within the segregated territory. As to the constitutionality of

such proceedings, it would be an assumption of absolute power, excluding the people of the State from any voice in that which is fundamental to our existence as a free State. Hence we conclude that the consent of the Legislature means more than simply the formal expression of the will of a majority of its members. It must mean such consent as the Legislature may give in accordance with the Constitution of the State.

Under this view of the question we do not see how the boundaries of the State can be changed in the mode proposed, inasmuch as those boundaries are established by the Constitution, and no power is given to the Legislature to alter them, except as amendments to other provisions are effected. In some of the States, and in all, where those changes have been made, which are relied on as precedents of authority for the division of this State, the Legislatures are distinctly invested with the power to make changes of boundaries. The Constitution of North Carolina expressly authorized the Legislature of that State to create new States out of her western lands, and in pursuance of this the State of Tennessee was admitted into the Union. The Constitution of Georgia expressly authorized the Legislature to create new States, or sell her lands west of the Chatahoochee River, and consequently the Government of the United States purchased of that State, through her Legislature, territory out of which the States of Alabama and Mississippi have been formed. So with the Constitution of Louisiana, and all the cases cited will show either express constitutional authority or a fair question of dispute, or to boundary, or to some other circumstances, forbidding us to rely upon them for authority in the matter now before us. The settlement of the main boundary was not the formation of a new State, nor the cession of lands, but simply the settlement of a disputed boundary line—the same of the Missouri case. Indeed the Missouri case is strong authority for the position taken in this report. That case occurred not while government was in a transition state, from colonial dependence to freedom and independence—not while the minds of men were absorbed with the material interests and questions which surrounded them, but as late as one thousand eight hundred and thirty-four, in the midst of our animated discussion as to the powers of Congress and the nature of constitutional restrictions, Missouri thought that it was even necessary to amend her Constitution, so as to receive additional territory from Congress. It was so amended, and amended by simply altering the boundary of the State so as to include so much of the "Platte Purchase," as it was commonly called, as Congress might therefore grant.

The cession of the Northwest Territory, made by the State of Virginia to Congress, was made under the old article of Confederation, before the Federal Constitution was adopted, and it was made in pursuance of powers legitimately belonging to the law-making branch of the Virginia government, under her old charter from the Crown of Great Britain. So, also, in respect to the admission of Kentucky into the Union. The people of that district held nine different conventions on the subject of the application for admission, and the State of Virginia repeatedly passed acts giving her consent; but Congress never acted upon it until one thousand seven hundred and ninety, when an act was passed—not creating a territorial Government—not accepting the cession of the lands of the Kentucky District, but admitting the State of Kentucky into the Union. So that, in the case of Kentucky, there never was a territorial government; there never was a political condition of her people intermediate the dependence she had on the State of Virginia and existence as an independent State.

The constitutional and legal difficulties and objections to this scheme grow upon us and thicken as we proceed further into its discussion. It is impossible to enumerate them all in the short space allowed this report. The State debt, and the proper division of it, the mode and possibility of apportioning that debt in the event of the consummation of this scheme, who is to pay it, and *can* it be apportioned at all, are fruitful questions for debate. We will dismiss them, however, with the bare suggestion of them.

We might ask, also, what is to become of those officers of the State Government at present discharging the functions of their offices in those counties, and what will become of the questions pending before the courts of that section of the State? Who shall prevent the recognition there of the supremacy of the present Constitution of this State with its judiciary and other officers, by even a small minority, if they choose to prefer that Constitution and that Judiciary to the uncertainties of such as the Federal Government may give them?

But there is also a matter of policy in this question, which it is proper we should consider somewhat. The majority of the Special Committee of the last session of the Legislature in this State, to whom was referred the original resolutions upon this subject, reported that they believed "that there exist good and valid reasons why the inhabitants of said territory should, or may, desire such separation, and also that it is expedient that the State should consent thereto, under the conditions, restrictions, and qualifications, provided for in the accompanying bill. (See Assembly Journal, Tenth Session, page 342.)"

What those good and valid reasons are does not appear, but in the communication of his Excellency, Governor Latham to the President, they are summed up as follows:

"The origin of this act is to be found in the dissatisfaction of the majority of the people of the southern counties of this State with the expenses of a State government.

They are an agricultural people, thinly scattered over a large extent of country; they complain that the taxes upon their land and cattle are ruinous, entirely disproportioned to the taxes collected in the mining region; that the policy of the State hitherto having been to exempt mining claims from taxation, and the mining population being migratory in its character and hence contributing but little of the State revenue, they are unjustly burdened and that there is no remedy save in a separation from the other portion of the State. In short, that the union of southern and northern California is unnatural."

This is given as a *resume* of the good and valid reasons for the proposed separation. But are they sufficient, looking at the question simply as one of expediency? What single point, except the final, sweeping declaration of unnatural union, is presented that will not, with equal force, apply to every other agricultural county in the State? All are taxed alike, all are connected alike with the mining districts, and, if these reasons are sufficient, every agricultural county in the State ought to demand and obtain immediate release from the State organization.

Looking abroad a little, outside our immediate State territory, we will perceive an objection to this segregation at the present time and in the present condition of public feeling, far more serious than any yet enumerated. The battle field of Kansas has hardly yet been fought over, and the animosities and asperities enkindled there will be the fruitful subject of another, and perhaps a more serious, contest, if another battle-ground shall soon be presented.

The civil discord which now so trammels Congress and threatens our Federal Union had its origin in questions growing out of our territorial organization, and California, occupying a position so eminently conservative, should be the last to offer another opportunity for the enactment of new Kansas difficulties.

The territorial question has already become a perfect "Pandora's box," from which spring all imaginable evils and dangers to the peace and harmony of our country. Unless, then, the right is clear—unless the power to divide this State in the manner proposed is, beyond all doubt, constitutional—sound policy would seem to dictate that we should avoid the difficulties consequent upon the act, at all hazards.

The undersigned would, therefore, recommend the passage of the resolutions introduced by the gentleman from San Francisco, Mr. Rogers.

J. R. WILLIAMS,
E. A. RODGERS, of Tuolumne,
JOHNSON, of Amador,
HARVILLE.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them properly engrossed:

Assemby Bill, No. 14, An Act to pay Mary Harrison for services rendered at the State Insane Asylum;

Also, Assembly Bill, No. 17, An Act to grant to certain parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco.

BEN. T. O'REAR,
For the Committee.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 3, An Act concerning the County Recorder of the County of San Luis Obispo.

JOHN DAGGETT,
Chairman.

By Mr. Bailey of Santa Clara:

Mr. SPEAKER:—The Alameda and Santa Clara Delegation, to whom was referred Assembly Bill, No. 83, in relation to Roads and Highways in Alameda and Santa Clara Counties, report the same back, with an amendment, and recommend its passage.

BAILEY,
For the Delegation.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Rogers, of San Francisco:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to purchase and place in the Assembly Hall, for the use of the Assembly, the latest and best map of California, and the expense thereof be paid out of the Contingent Fund of the Assembly.

Mr. Stevenson moved to lay the resolution on the table.

Adopted.

By Mr. Curtis:

Resolved, By the Assembly, the Senate concurring, that this Legislature will adjourn, *sine die*, on Tuesday, the third day of April, at two o'clock, P. M., A. D., one thousand eight hundred and sixty.

Mr. Lamar moved to lay the resolution on the table, on which Messrs. Curtis, Hugg, and Hundley demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Bell, Burson, Campbell, Covarrubias, Crowell, Daggett, Fairchild, Gallagher, Haliday, Halsted, Hammond, Harville, Henry, Lamar, Lambert, Laspeyre, Lawrence, Lovel, Makins, Malarin, Maxson, McDermit, O'Rear, Patten, Phelps, Rodgers of Tuolumne, Schmidt, Shelton, Smith of Nevada, Smith of Sutter, Warner, Welty, White, Wilkins, Williams, Wilson, Yager, and Yancey—40.

NOES—Bowman, Conn, Conness, Curtis, Dunlap, Gwinn, Hawley, Heston, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, O'Connor, Rogers of San Francisco, Shannon, Shattuck, Starr, Stevenson, Stone, Theller, Tilton, Walden, Watson, Wescott, and Mr. Speaker—27.

By Mr. Conness:

Resolved, That the Governor be requested, in obedience to the resolution passed by this body yesterday, calling for correspondence in reference to Indian Affairs, to add thereto copies of all instructions which may have been given to any secret agent or agents, employed within the past year by the Executive, for the purpose of investigating Indian difficulties, together with the report or reports of such secret agents to the Executive Department.

Adopted.

SPECIAL ORDERS.

Substitute for Assembly Concurrent Resolution, No. 31, relative to New Almaden Mine, the special order for this day, was taken up.

Mr. Laspeyre moved to make it the special order for this day at three o'clock, P. M.

Lost.

Mr. Shannon moved to make it the special order for Monday next at one o'clock, P. M.

Lost.

Mr. Smith of Nevada moved to make it the special order for quarter past twelve M., this day.

Mr. Henry moved to amend by making it the special order for Wednesday next at twelve, M.

Mr. Conness moved the previous question, which was sustained.

Mr. Smith's motion lost, and the motion of Mr. Henry adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, Jan. 25, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 59, An Act to extend the time for the Collection of State and County Taxes, in the County of Tulare;

Also, have passed Senate Bill, No. 20, An Act for the relief of D. O. Shattuck;

Also, have passed Senate Bill, No. 36, An Act supplementary to an Act, entitled "An Act granting the right of way over certain Lands of this State, in the Counties of San Francisco and San Mateo;"

Also, have passed Senate Bill, No. 40, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers;"

Also, have passed Senate Bill, No. 29, An Act making an appropriation for the eleventh fiscal year, ending the thirtieth day of June, one thousand eight hundred and sixty;

Also, have passed Senate Bill, No. 17, An Act for the relief of A. D. Park, late County Treasurer of El Dorado County;

Also, have refused to recede from amendments to Assembly Concurrent Resolution, No. 27, relative to State Librarian.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 59, above reported, read first and second times, rules suspended, read third time and passed.

Mr. Daggett, moved a call of the House, which was carried, and Messrs Beach, Campbell, Crowell, Haliday, Laspeyre, Lawrence, Pate, Shelton, and Yancey, were absent; the Sergeant-at-Arms, was ordered to bring in the absentees.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

Senate Bill, No. 20, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill, No. 36, above reported, read first and second times, and referred to delegation from San Francisco and San Mateo.

Senate Bill, No. 40, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 29, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 17, above reported, read first and second times, and referred to the Committee on Claims.

The House concurred in Senate amendment to Assembly Concurrent Resolution No. 27, above reported.

SENATE CHAMBER,
Wednesday, January 25, 1860.

Mr. SPEAKER—The Senate, on yesterday, passed Senate Bill, No. 44, An Act to authorize the Board of Supervisors of Santa Clara County, to issue a license for a Toll Bridge, across the Pajoro River at Mal-Passo, on the line between the Counties of Santa Clara and Monterey;

Also, have passed Assembly Bill, No. 3, An Act concerning the County Recorders of the County of San Luis Obispo.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 44, above reported, read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Thursday, January 26th, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra;"

Also, have passed Assembly Bill, No. 64, An Act to appropriate money for the expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant Governor J. G. Downey,;

Also, have concurred in Assembly Concurrent Resolution No. 34, relative to a Daily Mail in the Northern Counties of this State.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 34, above reported, read first and second times and placed on file.

Mr. Daggett made the following report:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 64, An Act to appropriate money for the expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey.

JOHN DAGGETT,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crowell, An Act to create a State Police, and to define the powers and duties of the same.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Starr, An Act to provide for the Collection of the Delinquent Taxes of the City of Sacramento, for the year one thousand eight hundred and fifty-seven.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Conn, An Act to amend an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Curtis, An Act concerning Roads and Highways in the County of Nevada.

Read first and second times, and referred to the Nevada Delegation.

By Mr. Welty, An Act to grant the right to construct a Bridge across the American River, at some point between Front and Seventh Streets, in the City of Sacramento.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Stone, An Act to repeal all acts, or parts of acts, amendatory of an Act entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. White, An Act to repeal an Act entitled "An Act to authorize Married Women to transact business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gwinn, An Act to provide for the draining and reclamation of certain Lands therein named.

Read first time, placed on file, and ordered printed.

By Mr. Johnson of Sierra, An Act for the relief of Moses Haynes, for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County.

Read first time and placed on file.

GENERAL FILE.

Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases, placed at foot of file.

Assembly Bill, No. 4, An Act granting permission to poor persons to prosecute and defend actions in the Courts of this State, and for the appointment of Attorneys;

And Assembly Bill, No. 79, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty—were indefinitely postponed.

Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the Office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four;

And Assembly Bill, No. 98, An Act to amend an Act supplementary to an Act entitled "An Act to fund the Debt of Siskiyou County," approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight—were ordered engrossed.

Assembly Bill, No. 74, An Act to fix the compensation of the District Attorney of the County of Contra Costa—committee amendments adopted and ordered engrossed.

Assembly Bill Substitute, No. 17, An Act to grant to certain parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco, read third time, and passed.

At two o'clock, P. M., on motion of Mr. Lamar, the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 27, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members wers absent, viz: Messrs. Groom, Henry, and Wilkins.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Smith of Nevada, of Hubertus Schardin, for change of name of his minor step-son.

Referred to Nevada Delegation.

By Mr. Campbell, of citizens for erection of new county, to be called Mokelumne County.

Referred to Committee on Counties and County Boundaries.

By Mr. Johnson of Amador, of citizens of Fiddletown Amador County, for Sunday Law.

Referred to Committee on Public Morals.

By Mr. Patten, of citizens of El Dorado County, for Sunday Law;

Referred to Committee on Public Morals.

By Mr. Johnson of Sierra, of citizens of Sierra County, for organization of new county.

Referred to Committee on Counties and County Boundaries.

By Mr. Jenkins, of citizens of Merced County, against allowing Stallions and Jacks to run at large.

Referred to Committee on Agriculture.

By Mr. Johnson of Sierra, of citizens and tax payers, praying for a law, making Highway Robbery punishable with death.

Referred to Judiciary Committee.

By Mr. Fairchild, of citizens of Placer and Tehama Counties, for Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Stevenson:

Mr. SPEAKER:—The Committee on Claims, to whom was referred the bill of Messrs. Heidlinger & Co., for the sum of one hundred and four dollars, for Music furnished at the Inauguration of the Governor and Lieutenant-Governor, report the same back, and recommend that it be rejected.

E. A. STEVENSON,
Chairman.

By Mr. Warner:

Mr. SPEAKER:—The Committee on Agriculture, have had under consideration Assembly Bill, No. 52, and report the same back, and recommend its passage with the following amendments:

After the word "Alameda," in last line, insert "El Dorado, Placer, Santa Cruz, Calaveras, Amador, Santa Clara, Mariposa, and Merced."

J. J. WARNER,
Chairman.

By Mr. Rogers, of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, have examined and found correct the following accounts, and recommend that the same be paid from the Contingent Fund of the Assembly:

Account of J. Tyson	$ 56 00
" " D. Kendall, furnishing Committee Rooms	404 25
" " C. W. Tozer, for Postage furnished Members	355 00
" " J. Anthony & Co., for Papers	120 00
" " C. W. Tozer, for Paste Brushes and Matches	8 25
Total	$943 50

DANIEL ROGERS,
Chairman.

Adopted.
By Mr. Pate:

Mr. SPEAKER:—Your committee, appointed to select a suitable and competent person to translate certain documents into the German language, respectfully report that they have selected Julius Schultz.

PATE,
WHITE.

By Mr. McDermit:

Mr. SPEAKER:—The Auditing Committee beg leave to make the following report; they have examined the amount of copying done for the Assembly up to this date (Friday, January twenty-seventh, one thousand eight hundred and sixty), and find it as follows:

	Folios.	Am't per Folio.	Amount.
Journals	1,092	15 cts.	$163 80
Printing and other Copying	4,513	10	451 30
Totals	5,605		$615 10

We recommend the adoption of the following resolution:

Resolved, That the Controller of State be hereby authorized and required to draw his warrant in favor of the Chief Clerk for the sum of six hundred and fifteen dollars and ten cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Report accepted and resolution adopted.
By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment report as correctly engrossed the following bills:

Assembly Bill, No. 80, An Act fixing the compensation of the members of the Board of Supervisors of the County of Amador;

Also, Assembly Bill, No. 81, An Act supplemental to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge

across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine.

BEACH,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Lamar:
Concurrent Resolution, Relative to taking the Census of the State.
Adopted.
By Mr. Lambert:
Concurrent Resolution, Relative to sale of Public Lands.
Adopted.
By Mr. Warner:
Concurrent Resolution, Relative to the Pious Fund of California.
Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, January 26, 1860.

Mr. SPEAKER:—The Senate has this day passed Senate Bill, No. 38, An Act fixing the time when General Laws shall take effect;

Also, have passed Senate Bill, No. 7, An Act to authorize the Secretary of State to cause the issuance of duplicates to certain lost State Bonds;

Also, have concurred in Assembly amendments to Senate Concurrent Resolution, No. 26, Relative to the Mail Service.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 7, above reported, read first and second times, and referred to Committee on Claims.

Senate Bill, No. 38, above reported, read first and second times and referred to Judiciary Committee.

SENATE CHAMBER,
Thursday, January 26, 1860.

Mr. SPEAKER:—The Senate has this day passed Senate Bill, No. 55, An Act to give effect to Patents for Lands issued in the names of Deceased Persons;

Also, Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 37, An Act for the relief of the Heirs of David Morgan;

Also, substitute to Senate Bill, No. 52, An Act to amend "An Act concerning Courts of Justice in this State."

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 55, above reported, read first and second times, and referred to Committee on Public Lands.

Senate Bill, No. 54. above reported, read first and second times, and referred to the Nevada Delegation.

Senate Bills, Nos. 37 and 52, above reported, were read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills was given:

By Mr. Johnson of Amador, An Act to authorize A. C. Brown to remove the remains of Deceased Persons, in the town of Jackson.

By Mr. Smith of Nevada, An Act to fix the Terms of the County Court and Court of Sessions, of the County of Nevada;

Also, An Act to change the name of Mary Louisa Schardin.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Haliday, An Act to relocate and fix the County Seat of Sierra County.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. White, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Protection of Foreigners," passed March thirtieth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to Committee on Mines and Mining Interests.

By Mr. Stevenson, An Act to grant the right to convey water in pipes, to supply the inhabitants of the town of Red Bluff.

Read first and second times, and referred to Tehama Delegation.

By Mr. Smith of Nevada, An Act to amend "An Act to prevent the trespassing of Animals upon Private Property," approved March thirty-first, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Agriculture.

SECOND READING OF BILLS.

Assembly Bill, No. 103, An Act for the relief of Moses Haynes, for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County.

Read second time, and referred to the Committee on Claims.

Assembly Bill, No. 100, An Act to provide for the Draining and Reclamation of certain Lands therein named.

Read second time, and referred to the Committee on Swamp and Overflowed Lands.

GENERAL FILE.

Assembly Bill, No. 83, An Act concerning Roads and Highways, in the Counties of Alameda and Contra Costa.

Committee amendments adopted, and bill ordered engrossed.

Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra."

Referred to Committee on Ways and Means.

Assembly Bill, No. 81, An Act supplementary to "An Act to authorize the Board of Supervisors of Sutter County, to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine.

Read third time, and passed.

At twenty minutes past twelve o'clock, M., on motion of Mr. Shannon, the House adjourned to eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 28th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members were absent, viz: Messrs. Bailey of Tuolumne, Rogers of San Francisco, Wilkins, and Yancey.

Leave of absence was granted to Mr. Rogers of San Francisco, for two days, Messrs. Lovel and Wilkins, for one day each, and to the Committee on Hospitals, indefinite leave.

PETITIONS.

Petitions were presented as follows:

By Mr. Campbell, of citizens of San Joaquin, for creation of a new county.

Referred to Committee on Counties and County Boundaries.

By Mr. Johnson of Sierra, Relative to the creation of Alturas County.

Referred to Committee on Counties and County Boundaries.

By Mr. Waldron, for the annexation of parts of Tuolumne, Calaveras, and San Juan County to Stanislaus County;

Also, remonstrance against the same.

Referred to the Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Stevenson:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 17, An Act for the relief of A. D. Park, late County Treasurer of El Dorado County, beg leave to report the same back, and recommend its passage;

Also, Assembly Bill, No. 63, An Act to appropriate money to pay William H. Peterson, report the same back, and recommend its passage.

Also, Assembly Bill, No. 59, An Act for the payment of certain Claims therein specified, beg leave to report the same back, and recommend that the parties be allowed to withdraw their accounts and papers;

Also, the claims of T. A. Talbot and D. Yoacham, report the same back, and recommend that the parties be allowed to withdraw their accounts;

Also, Senate Bill, No. 7, An Act to authorize the Secretary of State to cause the issuance of duplicates for certain lost State Bonds, beg leave to report the same back, and recommend its passage.

E. A. STEVENSON,
TIMOTHY F. JENKINS,
A. H. HAWLEY,
WILLIAM A. CONN.

By Mr. Williams:

Mr. Speaker:—The Judiciary Committee, to whom was referred the memorial of James Haworth and others, sureties on the Pacific Express Bond, have had the same under consideration in conjunction with the Judiciary Committee of the Assembly, and submit the following report:

Upon an examination of the memorial, it appears not to be an application to the mercy or favor of the State, but a simple appeal to her sense of justice, for the reasons therein set forth, and which, if found to be true, are conclusive in favor of the memorialists.

This position rendered it necessary for your committee to enter into as ample an investigation of the facts and the testimony upon which they rested, as would suffice for them to form a decided opinion, and offer to the Senate a solution which would be free from doubt. They have accordingly performed this duty, and now offer, in order that there should be a clear apprehension of the subject, a short summary of the occurrences connected with the execution of the Bond of the Pacific Express, and a synopsis of the evidence which has led to the conclusions of the committee.

Soon after the meeting of the Legislature of one thousand eight hundred and fifty-seven, a Joint Committee of the two Houses was appointed to ascertain the amount of money in the State Treasury. At this time Henry Bates was the State Treasurer, and E. A. Rowe had been, throughout the year one thousand eight hundred and fifty-six, his Chief Clerk or Cashier. Rowe was also President of the Pacific Express, a corporation having offices in all the principal towns in the State.

In the report which they made it is stated that it incidentally came to their notice that one hundred and twenty-four thousand dollars had been withdrawn by the Treasurer from the General Fund to provide for the payment of the ensuing July interest. This sum was represented by the bond now in question, which is dated the third of January, one thousand eight hundred and fifty-seven. (Assembly Journals, Eighth Session, p. 131.)

As there was no appropriation for this object, and the payment was a violation of the Constitution and the laws of the State, the Assembly appointed a committee, consisting of Messrs. Catlin, Clark, and Sufford, to examine fully into and report all the facts pertaining to the alleged action of the State Treasurer.

Soon afterward, to wit: on the twenty-first of January, one thousand eight hundred and fifty-seven, another committee was appointed by the Assembly to inquire into the mode and manner in which the provisions of An Act entitled "An Act for the better protection of the State Treasury," had been carried out and obeyed. (Journals, p. 149.)

This latter committee consisted of Messrs. Brent, Watkins, Burch, Hume, and Patrick.

The duty of the first committee was specific—that of second very general—but both necessarily involved the consideration and investigation of the subject now before us. The duties of the two committees appear from the Journals to have been performed very faithfully. A large number of witnesses were examined, and a considerable amount of testimony taken, the most pertinent of which is contained in the published Journals and Appendix of that session, and a portion of which, unpublished, is preserved in the original manuscript in the Secretary of State's office. This testimony, together with some additional evidence furnished to

your committee, has been examined and read, as far as was necessary for the purposes of this investigation.

Before proceeding to collate it for the information of the Senate, it is deemed proper to refer to the conclusions which were then attained by the two committees of the Assembly.

The first committee say in their report: "But one conclusion can be drawn from the testimony, and that is, that the first of January found the Treasurer with a large deficit in his vaults, and that his desperate expedient of employing the Pacific Express was adopted to account for such deficiency, and the various reasons suggested for such premature action were but designed to screen the transaction from suspicion. It was the only alternative after the refusal of Mr. McLane which presented itself, and was embraced from necessity. The dangerous proximity of the Legislature required either a return to the vaults of the absent funds or something which would represent them." (Assembly Journal, p. 258.)

The second committee, in their report say: "There has evidently been carried on by the State Treasurer and Mr. Rowe a system of taking money from the State Treasury without authority of law, and using the same in their private affairs. This must have commenced early in the year one thousand eight hundred and fifty-six, because on the twenty-third of June, one hundred and thirteen thousand two hundred and eighty-nine dollars and ten cents had been taken from the vaults illegally. We can get no evidence that any part of the money then wrongfully absent from the treasury ever found its way back, but we believe the Treasurer used, or aided by Rowe, continued during the latter part of one thousand eight hundred and fifty-six, and to the time he was removed from office, to use the moneys of the State, but in what particular transaction we are unable to ascertain. Some of the money is probably spent in riotous living—some of it was spent in investments which have not proved successful, or, if successful, the returns could not be immediately realized." (Eighth Session Journal Appendix.)

The only evidence which tends to establish the fact, that the money was paid in consideration of the execution of the Pacific Express Bond is that of Bates and Rowe, and their statements are so filled with evasions, contradictions, improbabilities and refusals to answer, and so much unsustained by any other testimony, that, standing alone, it is unworthy of credit, even if it were not palpably contradicted, as it is by all the facts and circumstances given in evidence by the other and disinterested witnesses.

In the first place, no one saw the money counted, paid or delivered, nor could it be traced in any manner or direction whatsoever. It was not charged on the books of the treasury until the tenth of January, and then it was at first charged to Wells, Fargo & Co., and afterward their name erased, and Pacific Express substituted. The entry was made from a memorandum in the handwriting of Rowe.

Mr. Catlin, who was chairman of the first committee, testifies before us that his committee made inquiries beyond the testimony taken for the purpose of tracing the disposal of the money, and to ascertain if in truth it had been paid to the Pacific Express, as was alleged by the State Treasurer. He says, in his evidence: "Inquiries were made of all Express Companies and bankers where it was at all probable that such a sum would be deposited, and no deposit of any considerable sum, at or about that time, by Rowe or the Pacific Express, could be discovered, nor was any purchase of exchange ascertained after like diligent inquiry, nor was any sum sent by either of said parties in bullion or coin by any of the

modes of conveyances then used from Sacramento to San Francisco, or from San Francisco to New York. No person was found or produced, with the exception of Bates and Rowe, who had ever seen the money, or been engaged in its transmission from the vault of the treasury to any other place, or from any one place to another." (See testimony of Catlin on file.)

The testimony of A. G. Richardson, (Journals, page 265,) who was agent of the Pacific Express in Sacramento, and that of Henry Norton, (Journals, page 271,) who was Superintendent and Cashier of the same company in San Francisco, both prove conclusively that the money did not pass through the offices of that company.

In the next place, it appears from the testimony of Louis McLane, who was the Managing Agent of Wells, Fargo & Co., that, on the first of January, one thousand eight hundred and fifty-seven, he was applied to by Rowe to give a bond for the payment of the State interest due July first, one thousand eight hundred and fifty-seven. Mr. McLane says he was prepared to give the bond, "but the money was not forthcoming." Rowe offered to give him collateral securities upon which the money could be realized in thirty days, but McLane declined to take anything but the money. This evidence in itself, is totally at war with the hypothesis that the Treasurer could have paid this large amount of money to the Pacific Express only two days afterward, and McLane says very properly in his testimony, "there could be but one conclusion to be drawn from such a proposition—that is, that they had not the money." (See evidence of McLane, Journals, page 161, and evidence of McNeil, page 265.)

It also appears that, aside from the one hundred and twenty-four thousand dollars, there was still a deficiency in the vaults, and Rowe and Bates were put to their wits' end for the purpose of concealing it. He borrowed from McNeil, the Cashier of Wells, Fargo & Co., in Sacramento, twenty thousand dollars; from Rochester, an agent of the same house, fifteen thousand dollars; and Bates borrowed from Rhodes, five thousand dollars. This money was sent, in a wagon, to the Treasurer's office by McNeil. McNeil asked McLane if he might furnish Bates with money to make his count; which McLane refused, saying, "Let Dr. Bates provide for his counts the best way he could." (See McLane's testimony, Journals, page 262; McNeil's testimony, Journals, page 264; Rochester's testimony, Journals, page 265; Rhodes' testimony, Journals, page 263.)

The relation which these facts bear to the question will be recognized at once when it is recollected that the one hundred and twenty-four thousand dollars pretended to be paid on the third of January was eight thousand dollars more than was necessary to pay the July interest, and consequently when it is asserted that this money was paid only within a few days of the time when the Treasurer and his friend were making such desperate efforts to borrow money to make his count, there is nothing left to explain or reconcile this over payment with the necessities which had then gathered around the head of this defaulting officer.

Mr. Catlin, in his report to the Legislature, sums up very conclusively on this portion of the case, thus: "The Treasurer says he borrowed the five thousand dollars from Mr. Rhodes to accommodate the wants of Mr. Rowe, who states that the sum of thirty-five thousand dollars was required for his private uses that day," etc. But how he came to make use of the Treasurer's official draft to raise twenty thousand dollars for his private use he does not attempt to explain.

When it is remembered that on the third of January he claims to have received one hundred and twenty-four thousand dollars in cash, which sum the evidence shows could not have been sent to New York, it is remarkable that he should have been compelled to resort to such active and ingenious financial maneuvers in order to assist the Treasurer in being prepared to meet the count on the thirteenth.

But your committee are not left alone to the foregoing inference, so naturally drawn from the testimony referred to. There are other facts which show conclusively that an amount of money nearly equal, or perhaps more than equal, to the amount of the Pacific Express Bond had been abstracted from the Treasury more than six months before the execution of the bond, and no return of it whatsoever can be traced.

It appears that on the twenty-third of June one thousand eight hundred and fifty-six, Bates applied to Samuel Knight, agent of Wells, Fargo & Co., in Sacramento, according to the testimony, saying that Governor Johnson had recommended the removal of the money from the treasury, in consequence of the difficulties in San Francisco. McNeil says: "The reason was, as given by Dr. Bates, that the vault was unsafe, and they were afraid of the Vigilance Committee."

The occurrences which took place resulting from that application are thus stated in the report of the second committee of that Assembly, and which we adopt as a summary of the facts, as far as the statement goes; for thus far, in the main, it is accurately sustained by the evidence:

"On the twenty-third day of June, one thousand eight hundred and fifty-six, (that being Sunday,) Henry Bates, James M. Rhodes, and Samuel Knight went to the office of the State Treasurer and took away all the money in the State treasury, and deposited the same with Wells, Fargo & Co. At that time there was found to be in the State treasury, by actual count, nineteen thousand three hundred and twenty-three dollars. According to the books of the treasury, at that time, there should have been one hundred and thirty-two thousand six hundred and twelve dollars. Prior to that date, consequently, there must have been illegally abstracted from the treasury one hundred and thirteen thousand two hundred and eight-nine dollars and ten cents. Where was this money? It had been taken away by some person or persons, and no one except Henry Bates or Mr. Rowe could have taken the same without immediate detection." (See Journal Appendix, Eighth Session; also, testimony of Samuel Knight, A. B. McNeil, and State Treasurer Findley, on file.)

From the Controller's evidence, taken from his books, there appears to have been chargeable to the State treasury, at that time, a larger amount than appears from the Treasurer's books; he states it at one hundred and sixty-three thousand, eight hundred and forty-four dollars, on the thirtieth of June. During the month of June there was paid into the treasury nineteen thousand five hundred and four dollars, and disbursed only three thousand two hundred and two dollars. Supposing the payment into the treasury to have been after the twenty-third of June, there should have been on hand on the twenty-third June, the sum of one hundred and forty-four thousand three hundred and forty dollars. There was actually on hand, only the sum of nineteen thousand three hundred and twenty-three dollars, which was then taken out and deposited with Wells, Fargo & Co., showing an actual deficiency in the vault of over one hundred and twenty-five thousand dollars. Besides this, there is no evidence to show that the nineteen thousand three hundred and twenty-three dollars, withdrawn on the twenty-third June, and deposited with Wells, Fargo & Co., was ever returned to the treasury. Dr. Bates says

he thinks it was sent to New York, to meet the payment of interest not paid by Palmer, Cook & Co. McNeil says the money was afterward withdrawn, at different times, from Wells, Fargo & Co., a statement which is inconsistent with the theory that it was sent to New York to pay interest, and which induces the belief, in the mind of the committee, that this sum must also be added to the amount improperly abstracted from the treasury, prior to the twenty-third of June, one thousand eight hundred and fifty-six, and which would, therefore, make the ascertained deficits on that day amount to the sum of one hundred and forty-four thousand three hundred and forty dollars. (See testimony of Controller on file; testimony of McNeil on file.)

Your committee further find from the testimony, that between September first, and December thirty-first, one thousand eight hundred and fifty-six, Rowe had a deposit account with Wells, Fargo & Co., running up to the sum of one hundred and eighty-two thousand dollars; that at one time, November fourth, he deposited the large sum of one hundred and seventeen thousand eight hundred and sixty-two dollars, and on the same day he checked out the sum of one hundred and twenty thousand dollars. When it is remembered that he was only a clerk in the treasury, at a moderate salary, and that after diligent inquiry by the committees of the Legislature of one thousand eight hundred and fifty-seven, it could not be discovered that he had any fortune; it seems to your committee that it is a matter of easy solution, when all the facts of this report are taken together, to determine that Mr. Rowe was the despoiler of the treasury, and that the time when it was done was long anterior to the execution of the Pacific Express Bond.

So fully was the conviction of this fact forced upon the minds of the Legislature of one thousand eight hundred and fifty-seven, that it was constituted one of the articles of impeachment against the Treasurer. Article twelfth charges distinctly that he had, prior to the third of January, one thousand eight hundred and fifty-seven, permitted large sums of money to be withdrawn from the treasury, contrary to law, for the private use and benefit of himself and Rowe. That fraudulently, and with intent to deceive the people, and to cover up the deficiency in the treasury, he did, on the third of January, pretend to pay to Rowe, as President of the Pacific Express, the sum of one hundred and twenty-four thousand dollars, when in truth and in fact no such payment was made.

Upon the first defense, then, which has been set up by the memorialists, your committee are of opinion that the facts upon which it rests are established satisfactorily by the evidence; that no money was ever paid out of the State treasury on account of the Pacific Express Bond; that the bond was fraudulently delivered and accepted for the purpose of covering up a deficiency which had long existed, and which had been created by the mal-practice of the Treasurer and his Chief Clerk; and that the sureties on the bond were imposed on and signed it in good faith, supposing that the money was to be paid out of the treasury and transmitted to New York. (See evidence of Haworth, Bowman, Richardson, etc.)

In regard to the second defense set up in the memorial, your committee find that, in one thousand eight hundred and fifty-seven, suit was commenced in the Sixth Judicial District, on the official bond of Henry Bates, as State Treasurer, against him and his sureties. In that suit the alleged defalcation of the Treasurer was about the sum of one hundred and sixty-eight thousand dollars; his bond was only for the sum of one hundred thousand dollars. Included in the alleged defalcation was the sum said

to have been paid to the Pacific Express Company. The sureties of Bates set up in defense the amount claimed to have been so paid, demanded credit for one hundred and twenty-four thousand dollars, and gave in evidence the bond. The State, through her counsel, took the position that the Pacific Express Bond was invalid. That position was sustained by the court and jury, and in consequence of it the State obtained judgment for the whole amount of the Bates' Bond, to which as a matter of course her recovery had to be limited. That judgment was released by the last Legislature, and must occupy the same legal position as if it had been satisfied. It is immaterial, in the opinion of your committee, on what ground the court decided the Pacific Express Bond to be invalid. It is sufficient that the State took that position and obtained the benefit arising from it. In good faith she is now estopped from asserting the contrary. For the proof upon which this defense rests before the committee, we refer to the evidence of F. Hereford, who was prosecuting counsel for the State, and P. L. Edwards, who was for the defense.

In reference to the third defense, your committee report that it is proved by the record on file. The Pacific Express Company were enjoined on the nineteenth of January, one thousand eight hundred and fifty-seven, from taking any steps towards the fulfillment of the contract with Henry Bates, the State Treasurer.

The principle is well settled that if one, in whose favor there is a covenant, prevents the performance of it, the covenantors are discharged.

Your committee, upon the whole defense, are of opinion that the State has no legal right to recover upon the Pacific Express Bond, and ought to release the memorialists from the trouble and expense of litigation. The suit against them will not only involve great cost, on account of the numerous witnesses who would have to be examined, but it also operates as a lien upon their property, prevents them from selling it, or borrowing money upon it—is calculated to cramp their energies and enterprise as useful citizens, and, from the necessarily protracted time of the litigation, promises to utterly destroy them, as far as fortune is concerned.

It has been suggested that legislative action in such a case is a bad precedent, and may multiply applications of the same sort. We do not think it can be a bad precedent to perform an act of simple justice, and to relieve a citizen from oppression; and we do not consider it material how many cases of the same sort may arise, if they are equally meritorious. They would certainly all deserve the just considerations of the representatives of the State. If, in a similar case, an individual was to be addressed to renounce an unjust claim, he would be considered dishonest to refuse.

We think that a sovereign State ought to be governed by as high a system of ethics as her citizens. She ought, surely, to be as honest and magnanimous as a private individual; and that is all which is demanded of her in this case, by the memorialists. We recommend their release, and herewith report a bill for that purpose.

WILLIAMS,
Chairman.

An Act to release the Sureties on a certain Bond above reported.

Read first and second times, referred to the Committee of the Whole, and made special order for Friday next at twelve, M.

By Mr. Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation have

considered Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River, at its mouth, to certain parties therein mentioned, report it back and recommend its passage, with the following amendment:

In section third, after the words "durable material," "and shall have a draw or opening of sufficient width to admit any vessel or steamboat that may wish to pass the same, and said company shall, at all times, keep said draw, or opening in a good working condition, and allow any vessel or steamboat to pass at any time they may wish. Said company shall be liable for any damages that may accrue by neglect or inattention to the duties as prescribed, to be recovered by an action in any court of competent jurisdiction."

B. W. HENRY,
Chairman,
MINER WALDEN,
G. W. BAILEY,
JAMES A. JOHNSON,
JAMES N. MAKINS.

By Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 39, An Act to authorize the Board of Supervisors of Alameda and Santa Clara Counties to make appropriations to Agricultural Societies, and to legalize an appropriation heretofore made.

JOHN DAGGETT,
Chairman.

By Mr. Fairchild:

Mr. Speaker:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 73, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath, respectfully report the same back with their approval, and respectfully recommend that the same be referred to the Judiciary Committee, with instructions to report their opinion as to the constitutionality of said bill.

DAVID FAIRCHILD,
Chairman.

By Mr. Smith of Nevada:

Mr. Speaker:—The undersigned, members of the delegation from the county of Nevada, to which was referred the petition of Hubertus Schardin, of said county, praying that his minor step-child may be permitted to take his family name, have considered the same and respectfully recommend that the prayer of the petitioner be granted, and in pursuance of this recommendation we submit the accompanying bill and respectfully urge its passage.

PHIL. MOORE,
C. F. SMITH,
SAM. T. CURTIS,
M. P. O'CONNOR.

January 28, 1860.

The bill above reported was read first and second times, rules suspended, considered engrossed, read third time and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 26, 1860.

To the Honorable the Assembly of the State of California:

I have to inform your Honorable Body that I have this day approved Assembly Bill, No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five;

Also, Assembly Concurrent Resolution, No. 30, instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure the establishment of a Sunday Mail from San Francisco to Sacramento, on occasions when the mail shall arrive by sea or overland at the former city on Saturday night or Sunday morning.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEP'T,
Sacramento, January 27th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have this day approved Assembly Bill, No. 3, An Act concerning the County Records of the County of San Luis Obispo;

Also, Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc;*

Also, Assembly Bill, No. 64, An Act to appropriate money for the expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Johnson of Sierra:

Concurrent Resolution, Relative to reorganizing the Counties of this State.

Lost.

By Mr. Lamar:

Concurrent Resolution, Relative to extension of Pre-emption Laws.

Adopted.

By Mr. Laspeyre:

Concurrent Resolution, Relative to Arms for the State.

Adopted.

By Mr. Shannon:

Resolved, That the Attorney-General be requested to communicate to this House his opinion as to whether a survey of the eastern boundary line of the State, made by the authorities thereof, would be valid and binding on all persons and property within her limits, and give the courts of this State jurisdiction of all actions, either civil or criminal, commenced within the limits of said survey.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, January 27th, 1860.

Mr. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for collecting the same, with amendments;

Also, Assembly Bill, No. 10, An Act to amend "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 40, An Act to authorize the Administratrix of the Estate of John McKenna, deceased, to sell Real Estate at private or public sale;

Also, Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to regulate Fees in Office in certain Counties in this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 80, An Act fixing the compensation of the members of the Board of Supervisors of the County of Amador;

Also, Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, and their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon, with amendments;

Also, adopted Substitute for Assembly Concurrent Resolution, No. 36, Relative to Seat of Government, and have appointed as a committee on part of the Senate, Messrs. Watson, Phelps, Eagon, and Haynes;

Also, passed Senate Bill, No. 28, An Act for the relief of purchasers of Real Estate at sales made by Public Administrators.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 35 and 58, above reported.

Substitute for Assembly Concurrent Resolution, No. 36, above reported, was made the special order for Tuesday, February seventh, one thousand eight hundred and sixty, at twelve, M.

Senate Bill, No. 28, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Lamar, An Act to authorize the guardian of James K. Polk Potter, (minor heir of John Potter, deceased,) to sell and convey certain Real Estate bequeathed to said minor heir.

By Mr. Shelton, An Act establishing an Asylum for the Blind of California, to be known as the "California Blind Asylum."

By Mr. Johnson of Sierra, An Act to regulate Fees in Office in Sierra County;

Also, An Act to authorize the Board of Supervisors of San Francisco to inquire into and audit certain Claims;

Also, An Act to reorganize the Counties of this State;

Also, An Act to appropriate money for the construction of a Wagon Road across the Sierra Nevadas, from La Porte to Carson Valley.

REPORT.

Mr. Stevenson made the following report:

Mr. SPEAKER:—The Tehama Delegation, to whom was referred Assembly Bill, No. 110, An Act to grant the right to convey Water in Pipes, to supply the Inhabitants of Red Bluff, have had the same under consideration, and beg leave to report the same back, and recommend the passage of the bill.

E. A. STEVENSON.

At one o'clock, P. M., on motion of Mr. Lamar, the House adjourned to eleven o'clock, A. M., on Monday.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 30, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

The following members were absent, viz: Messrs. Bailey of Santa Clara, Bowman, Gallagher, Groom, Johnson of Sierra, Lamar, Maxson, Patten, Phelps, Tilton, and Watson.

Leave of absence was granted as follows:

Messrs. Gallagher, Yancey, Shattuck, Johnson of Sierra, Bowman, Patten, Maxson, Groom, Shelton, Phelps, and Tilton, for one day each, Mr. Bailey of Santa Clara, for two days, and Messrs. Lamar, Watson, and Malarin, indefinite leave.

PETITIONS.

Petitions were presented as follows:

By Mr. Conness, of citizens of Salmon Falls, for Sunday Law.

Referred to Committee on Public Morals.

By Mr. Wilkins, remonstrance of citizens of Petaluma, against rail road.

Placed on file.

By Mr. Starr, of Wm. Granhood, for pay for indexing laws of tenth session.

Referred to Committee on Claims.

By Mr. Goodman, for creation of new county, to be called Mokelumne.

Referred to Committee on Counties and County Boundaries.

Reports were made as follows:

By Mr. Stevenson, majority report from Committee on Claims:

Mr. SPEAKER:—We, the undersigned, a majority of the Committee on Claims, have had under consideration, Assembly Bill, No. 91, An Act to appropriate money for the payment of Gen. A. M. Winn, for military services rendered this State, from April, one thousand eight hundred and fifty, up to the time of his resignation, in one thousand eight hundred and fifty-seven, and while we believe Gen. Winn, was to some extent in the service of the State, we find no law authorizing the payment of any officer above the rank of major. The Legislature of one thousand eight hundred and fifty-one passed two acts, one March seventh, and the other March seventeenth, providing for the payment and organization of the troops of the Second El Dorado Expedition, and no higher officer was recognized by said acts than that of Major, as afore mentioned. Col. Wm. Ruggers was the recognized Major, and as such drew his pay, as provided in said acts; we, therefore, have came to the same conclusion as our predecessors in former Legislatures, that this claim was not authorized by law.

We therefore would most respectfully recommend that said bill be indefinitely postponed.

E. A. STEVENSON,
A. H. HAWLEY,
WM. A. CONN.

JANUARY 30, 1860.

By Mr. Jenkins, from minority of said committee:

Mr. SPEAKER:—The undersigned, a minority of the committee to whom was referred Assembly Bill, No. 91, begs leave to submit the following report thereon:

The only one of the committee favorable to the passage of this act, it is with all due deference and respect to the gentlemen of the committee with whom I am associated, that I offer to this House my reasons why the bill should pass.

The evidence brought before the committee, to my mind, is most conclusive.

Firstly—Gen. A. M. Winn, was duly elected and commissioned Brigadier General of the Second Brigade, First Division California Militia, in April, one thousand eight hundred and fifty.

Secondly—That on the twenty-fifth day of October, one thousand eight hundred and fifty, Peter H. Burnett, then Governor of the State of California, ordered Wm. Rodgers, Sheriff of El Dorado County, to raise troops to act against the hostile Indians, and ordered him, *i. e.* said Rodgers, to report to General Winn. Thus showing that from that period of time, he, Winn, was acting under the authority of the Commander-in-Chief, and from other evidence, that he acted as superior officer during the First El Dorado campaign.

Thirdly—That although in the first expedition it does not appear that General Winn, was in actual service, yet the officer in service and command received his orders from him, under the direction of the Governor; for which service he has never received any compensation whatever, neither does he now claim any.

But in the second expedition, it does appear in evidence, that he was in actual service five months and sixteen days, or in other words, from the date of first order, to the order of disbanding, for which time he has received no compensation whatever.

Governor McDougal testified, that he recognized General Winn, in command of said second expedition, as Brigadier-General, and communicated with him as such; would have cashiered and discharged him, had he not obeyed his orders; and further states, that he, (General Winn,) discharged his duties faithfully, and to the satisfaction of the Executive Department.

Fourthly—It is well known that all other officers, and also, all the men engaged in said expedition received their full pay, and because of the Legislature of one thousand eight hundred and fifty-one, in their acts passed March seventh and seventeenth, respectively, of that year failed or neglected to make provisions for the payment of officers of higher grade, than that of Major, I can see no good reason from that simple fact, that officers of a rank not specified in said act, should not receive a fair and ample compensation for like services, upon good and sufficient evidence, as in my opinion, was laid before me.

Fifthly—This claim I find, has been before the last Board of Examiners, and by them, also favorably recommended.

Lastly—The law provides for the payment of a Brigadier-General of Militia, the same as that of Brigadier-General of United States Army, with an additional ten per cent.

Granting this, I believe the claimant is justly entitled to the amount specified in this bill.

The undersigned, therefore respectively submits the foregoing, and recommends that the relief asked for be granted.

TIMOTHY F. JENKINS.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment, report as correctly Engrossed, the following bills:

Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney, of the County of Contra Costa.

Asssembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty four.

BEACH,
Chairman.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly Enrolled, Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 80, An Act fixing the compensation of the members of the Board of Supervisors, of the County of Amador.

JOHN DAGGETT,
Chairman.

By Mr. Goodman, from majority of Sacramento Delegation:

We the undersigned, members of the committee to whom was referred

Assembly Bill, No. —— An Act providing for the transfer of certain Funds of the City and County of Sacramento, do report a substitute for said bill, and recommend the passage of the same forthwith.

HENRY STARR,
L. C. GOODMAN.

By Mr. Welty, from minority of same delegation:

Mr. Speaker:—The undersigned, one of the committee to whom was referred Assembly Bill, No. 84, being An Act requiring the Board of Supervisors of the City and County of Sacramento to take from the Interest and Sinking Fund of the City of Sacramento, would respectfully report—

That, previous to the enactment of what is known as the Consolidation Act of the City and County of Sacramento, the city of Sacramento has contracted a large amount of indebtedness, which had been evidence of the issuance and delivery to her creditors of bonds bearing interest at the rate of ten per cent. per annum, the interest payable in the city of New York.

That, by section thirty-fifth of said Consolidation Act, it is provided that of the revenue for said city purposes, fifty-five per cent. should be set apart to pay the interest on the indebtedness of said city, and any surplus remaining after paying said interest should be applied as a Sinking Fund for the ultimate payment of the principal of said indebtedness. The balance of such revenue as said city drawed from the same sources as the above fifty-five per cent. is set apart for other municipal purposes of said city.

Section thirty-seven of same act provides for the legislation and funding of the city's indebtedness and the issuance of bonds therefor, bearing interest at the rate of six per cent. per annum, payable at the office of the Treasurer of the city and county of Sacramento, etc.

It will be seen, by reference to the various provisions of said Consolidation Act, that the same constitutes, if not an express, at least an implied contract, between the city, in its municipal character, of the one part, and the holders of her bonds of the other part, and that it would be a breach of contract or good faith to change the terms of the original contract by which it is provided that of the revenue claimed by said city, in its new character and resolutions as fixed and established by the Consolidation Act, the sum of fifty-five per cent. is to be appropriated to the payment of the annual interest on the bonds and the final payment of the principal, and to use a portion thereof, to wit: That portion which ought, by the contract, to be applied toward the payment of the principal, for other purposes.

The bondholders may well say to the party of the first part: "We surrender your bonds bearing ten per cent. per annum, because you said the interest was too high and you could no longer pay it, and took your bonds having only six per cent. per annum because you pledged fifty-five per cent. of your revenue to the payment of the annual interest and the principal of your bonds; we relied on your good faith and honesty to keep the contract unviolated. But now, if you take any of the portion that ought to go toward the payment of the principal, what assurance have we that you will not take away even the amount necessary to pay the interest, or that you will ever pay the interest?" Nor could your committee find any answer to such reasoning.

That some legislation is necessary to meet seeming defects in the prac-

tical working of some of the provisions of said Consolidation Act is apparent; but the character of this bill is, in the opinion of your committee, at variance with the original contract between the city and its creditors, and the vested rights of the latter under said act.

Your committee would, therefore, recommend that said bill do not pass. WELTY.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 28th, 1859.

To the Honorable the Assembly of California:

In compliance with the resolutions adopted by your Honorable Body, on the twenty-fifth and twenty-sixth instant, calling for copies of all correspondence with the officers in command of the federal forces in this State with the Executive of the State during the past year, relating to Indian disturbances, and also calling for copies of all instructions which may have been given to any secret agent, or agents, employed within the past year by the Executive for the purpose of investigating Indian difficulties, together with the report, or reports of such secret agents to the Executive Department, I transmit, herewith, copies of letters and reports as follows:

Letter from General A. Clark, commanding the Pacific Division of the United States Army to Governor Weller, (marked A,) dated April twenty-fourth, one thousand eight hundred and fifty-nine.

Report made by Lieutenant Dillon, United States Army, commanding a detachment of troops in Round Valley, (marked B,) to Major Johnson, United States Army, dated March twenty-third, one thousand eight hundred and fifty-nine.

Letters from Lieutenant Churchill, United States Army, in charge of office of General Commanding Department of California, during the absence of General Clark, addressed to Hon. S. C Hastings, and by him transmitted to the Executive of the State, (marked C,) dated April thirtieth, one thousand eight hundred and fifty-nine.

Letter from General Clark to Governor Weller, (marked D,) dated May thirteenth, one thousand eight hundred and fifty-nine.

Report made by Major Johnson, United States Army, commanding Fort Weller, California, to Major Mackall, Assistant Adjutant-General, and by him transmitted to the Superintendent of Indian Affairs, who deposited it with the Executive of the State, (marked E,) dated August twenty-first, one thousand eight hundred and fifty-nine.

Letter from Lieutenant Dillon, of the United States Army, commanding detachment of troops in Round Valley, addressed to Captain W. S. Jarboe, and by him transmitted to the Executive, (marked F,) dated October eighth, one thousand eight hundred and fifty-nine.

The above, with the papers accompanying my message heretofore transmitted to the Assembly on this subject, is all that can be found in the archives relating thereto.

I have been unable to find any secret instructions, or reports, etc., in the archives, and infer there are none, for the reason, that on this subject Governor Weller, in a note to me, dated the twenty-fifth instant, says: "The reports made to me by secret agents will of course remain in my hands."

JOHN G. DOWNEY,
Governor.

Communication and accompanying documents, referred to the Committee on Indian Affairs, and ordered printed.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 28th, 1860.

To the Honorable the Assembly of California:

I herewith return, without my approval, An Act to extend the time for the Tax Collector for the County of Sutter to collect the Taxes in said County, and make his final settlement with the Auditor.

The first section of the bill provides that the Tax Collector shall be allowed until the first Monday of May every year to collect the taxes in said county, and to make his final settlement with the Auditor, as provided in section forty-three of the revenue law of one thousand eight hundred and fifty-seven, and section two repeals all acts conflicting with the first section, so far as the county of Sutter is concerned.

Section forty-three of the revenue law of one thousand eight hundred and fifty-seven provides that the Tax Collector shall make his final settlement with the Auditor on the first Monday of February in each year. This provision is uniform throughout the State, and I am unable to perceive why the county of Sutter should be allowed four months longer than the other counties in the State in which to make such final settlements.

I also return, without my approval, An Act to extend the time for the Tax Collector of the County of Napa to collect the Taxes, etc., for the same reason, that the first section contains a similar provision, giving the Tax Collector until the first Monday in May in each year to make his final settlement with the Auditor, etc.

It may be that the time allowed by law in which to collect the taxes and make final settlements is too short. In that event the law should be amended so as to remedy the evil, but it should be general and uniform throughout the State.

JOHN G. DOWNEY,
Governor.

The House reconsidered the vote by which Assembly Bill, No. 33, first above reported was passed, and the question, "Shall this bill pass, notwithstanding the objections of the Governor," was lost by the following vote:

AYES—Messrs. Heston and Yager—2.

NOES—Messrs. Bailey of Tuolumne, Beach, Bell, Campbell, Conn, Conness, Covarrubias, Crowell, Curtis, Daggett, Dunlap, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, Laspeyre, Lawrence, Makins, McDermit, O'Rear, Rodgers of Tuolumne, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Welty, White, Wilkins, Williams, Wilson, and Mr. Speaker—50.

The House also reconsidered the vote by which Assembly Bill, No. 60, secondly above reported, was passed, and the further consideration of bill was made the special order for Monday next, February sixth, at twelve o'clock, M.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Beach:

Resolved, That the Committee on Engrossment be authorized to appoint an Assistant Engrossing Clerk, at a salary of eight dollars per diem, payable out of the Contingent Fund of the Assembly.

Referred to Engrossing Committee.

Mr. Smith of Sutter was excused from serving on the Committee on Counties and County Boundaries.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Monday, January 30, 1860.

Mr. SPEAKER:—The Senate on Saturday passed Assembly Bill, No. 81, An Act supplemental to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 16, An Act to amend an Act entitled "An Act to provide for the support of the Indigent Sick of Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six, with amendments;

Also, have adopted Assembly Concurrent Resolution, No. 29, Relative to asking Congress to create a new Land District, with amendments;

Also, Senate Concurrent Resolution, 30, Relative to a Fireman.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 30, and in amendments to Assembly Bill, No. 16, and to Assembly Concurrent Resolution, No. 29, above reported.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Howe, An Act to amend "An Act concerning the office of County Assessor."

By Mr. Wilkins, An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the right of way for the same.

By Mr. Hundley, An Act to amend section second of "An Act to provide for the appointment of Deputy County Treasurer," passed May fifteenth, one thousand eight hundred and fifty-four;

By Mr Lambert, An Act amendatory of the Act concerning the office of the County Assessor, passed March twenty-seventh, one thousand eight hundred and fifty, and to conform the same to "An Act concerning Offices," passed April twenty-eighth, one thousand eight hundred and fifty-one;

Also, An Act amendatory of section one of "An Act concerning Roads and Highways," passed April twenty-eighth, one thousand eight hundred and fifty-five.

By Mr. Kungle, An Act establishing a portion of the line between Yuba and Butte Counties.

By Mr. Goodman An Act to prevent the closing up of Public Highways at the crossing of Streams in this State.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith of Nevada, An Act to fix the Terms of the County Court and Court of Sessions, of the County of Nevada.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bell, An Act appropriating money for the construction of a Wagon Road.

Read first time.

By Mr. Hays, An Act in relation to Mining Copartnerships.

Read first time.

By Mr. Schmidt, An Act to protect Female Children, under the age of seventeen years.

Read first and second times, and referred to the Committee on Public Morals;

Also, An Act to confer further powers on the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, and to direct them to perform certain acts therein mentioned.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Laspeyre, An Act to repeal "An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved March twelfth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Goodman, An Act to amend an Act entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento,'" and the several acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Welty, An Act for the payment of Expenses incurred in the suppression of Indian Hostilities, in certain Counties in this State.

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE.

Senate Bill, No. 7, An Act to authorize the Secretary of State, to cause the issuance of Duplicates for certain lost State Bonds, considered in Committee of the Whole, reported, and passage recommended, title amended, read third time and passed.

The House rejected the claim of Heildinger & Co., for Horses and Music furnished at the Inauguration.

Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River, at its mouth, to parties therein named, committee amendments concurred in, and bill ordered engrossed.

Assembly Bill, No. 110, An Act to grant the right to convey Water in

pipes, to supply the inhabitants of the Town of Red Bluff, ordered engrossed.

Assembly Bill, No. 75, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath, referred to the Judiciary Committee.

Assembly Bill, No. 74, An Act to fix the compensation of the District Attorney of the County of Contra Costa, read third time and passed.

Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four, considered in Committee of the Whole, reported and passage recommended, and placed at the foot of the file.

At twenty minutes before two o'clock, P. M., on motion of Mr. Howe, the House adjourned.

HOUSE OF ASSEMBLY,
Tuesday, January 31, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Messrs. Fairchild, Gwin, Johnson of Amador, Johnson of Sierra, Phelps, Rodgers of Tuolumne, Shattuck, and Wilkins, were absent.

Messrs. Shattuck and Phelps had leave of absence for one day each.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented, as follows:

By Mr. Henry, of citizens of San Luis Obispo, for breakwater and wharf at San Luis Obispo.

Referred to the Committee on Commerce and Navigation.

By Mr. Halsted, of citizens, for creation of Mokelumne County.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were read as follows:

By Mr. Laspeyre:

Mr. SPEAKER:—The Committee of Ways and Means, to whom was referred Assembly Bill, No. 114, An Act to repeal the law creating State Registrar, and all subsequent acts on the subject, beg leave to report the same back, and recommend its passage.

T. LASPEYRE,
Chairman, *pro tem.*

By Mr. Williams, from the Judiciary Committee:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate Bill, No. 13, entitled An Act to authorize the Administrator of the Estate of Samuel J. Crosby, deceased, to sell Real Estate, have had the same under consideration, report the same back, and recommend its passage;

Senate Bill, No. 38, An Act fixing the time when General Laws shall take effect, is also reported back, and its passage recommended;

Senate Bill, No. 37, An Act for the Relief of the Heirs of David Morgan, is also reported back, and its passage recommended.

Your committee have also examined Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, and report the same back and recommend its passage;

Also, Senate Bill, No. 40, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, and report the same back, with the recommendation that it pass;

Also, Assembly Bill, No. 28, An Act for the Relief of Purchasers of Real Estate, at sales made by Public Administrators, and report the same back and recommend its passage;

Also, Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones to Franklin Ralph, report the same back and recommend its passage;

Also, Assembly Bill, No. 106, An Act to amend an Act approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled 'An Act to Regulate proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-six, and report the same back and recommend its passage.

The committee had at the same time under advisement, Assembly Bill, No. 90, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty, and report the bill back, and recommend that it do not pass;

Also, Assembly Bill, No. 99, An Act to Create a State Police, and to define the Powers and Duties of the same, and report the bill back and recommend that it do not pass;

Also, Assembly Bill, No. 101, An Act to repeal an Act entitled "An Act to authorize Married Women to transact business in their own name, as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two, and report it back, and recommend that it do not pass.

Also, Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," is herewith reported back, with certain amendments, and recommend its passage as amended.

WILLIAMS,
Chairman.

By Mr. Jenkins:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Senate Bill, No. 55, entitled An Act to give effect to Patents for Lands issued in the names of Deceased Persons, having had the same under consideration, now ask leave to report the same back, and recommend its adoption.

JENKINS,
Chairman.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment, to whom was referred

Assembly Resolution, No. 15, have had the matter under consideration, report the same back, and most respectfully recommend its adoption.

D. S. BEACH,
BEN. T. O'REAR,
J. WHITE,
E. DUNLAP.

The resolution above reported, referred to special committee, viz: Messrs. Conness, Beach and Stevenson.

Mr. Halsted was announced as a member of the Committee on Ways and Means, in place of Mr. Wilkins, resigned, and Mr. Warner, on Committee on Counties and County Boundaries.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office, in certain Counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved ——— eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 10, An Act to amend "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 40, An Act to authorize the Administratrix of the estate of John McKenna, deceased, to sell Real Estate of deceased at private or public sale.

JOHN DAGGETT,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Smith of Nevada, amendments to the Constitution:

Referred to the Joint Committee on Constitutional Amendments, and Concurrent Resolution ordering nine hundred and sixty copies to be printed.

Adopted.

By Mr. Hammond, Concurrent Resolution, Relative to Mails between Stockton and Mariposa.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, January 30th, 1860.

Mr. SPEAKER:—The Senate on yesterday, passed Senate Bill, No. 64, An Act to compensate the Resident Director, of the State Prison;

Also, have adopted Assembly Concurrent Resolution, No. 40, Relative to asking the General Government for Arms;

Also, Assembly Concurrent Resolution, No. 28, Relative to a Pacific Railroad Convention;

Also, Assembly Concurrent Resolution, No. 42, Relative to extending the Pre-emption privilege;

Also, have passed Assembly Bill, No. 54, An Act to extend the time for the collection of State and County Taxes, in the County of Sonoma, with amendments.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 64, above reported, read first time.

The House concurred in Senate amendments to Assembly Bill, No. 54, above reported.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, January 31, 1860.

Mr. SPEAKER:—The Senate, on Saturday, passed Senate Concurrent Resolution, No. 33, Relative to printing Report of State Registrar.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate Concurrent Resolution, No. 33, above reported.

SENATE CHAMBER,
Tuesday, January 31, 1860.

Mr. SPEAKER:—The following resolution was adopted by the Senate, this day:

Resolved, By the Senate, the Assembly concurring, that nine hundred and sixty copies of the Report of the State Prison Directors be ordered printed, for the use of the two Houses.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, above reported.

Mr. Bailey of Tuolumne, offered the following resolution:

Resolved, That pending the case of Gallagher *v.* Tilton, members shall be allowed the floor no more than thirty minutes. The counsel for contestant shall be allowed one hour for the opening and closing argument, and the counsel for defense one hour.

Mr. Welty offered the following amendment:

And, that counsel shall be allowed to divide his time between the opening and closing, as he may see fit.

The amendment was adopted, and the resolution, as amended, was adopted.

On motion of Mr. Coombs, the vote by which the House, on yesterday, made the Governor's veto on Assembly Bill, No. 60, the special order for February sixth, one thousand eight hundred and sixty, was reconsidered, and on the question, "Shall the bill pass, notwithstanding the objections of the Governor?" the House refused, by the following vote:

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Curtis, Daggett, Dunlap, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Hawley, Hayes, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, Laspeyre, Lewis, Lovel, Makins, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Walden, Warner, Welty, White, Williams, Wilson, Yager, Yancey, and Mr. Speaker—63.

Mr. Coombs, by leave, introduced a bill for An Act to extend the time for the Tax Collector of the counties of Sutter and Napa to collect the Taxes in said Counties, and make their final settlement with the Auditor.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

SECOND READING OF BILLS.

Assembly Bill, No. 120, An Act in relation to Mining Copartnerships—read second time, and referred to the Committee on Mines and Mining Interests.

Assembly Bill, No. 119, An Act appropriating money for the construction of a Wagon Road—read second time, and referred to Committee on Roads and Highways.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Henry, An Act to authorize J. C. Cisna to construct a Breakwater and Wharf at the Port of San Luis Obispo, and providing for the same.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Howe, An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty.

Read first and second times, and referred to the Committee on Ways and Means.

Mr. Bailey of Tuolumne, moved to postpone the special order of the day to one o'clock, P. M., this day.

Lost.

SPECIAL ORDER.

The special order of the day being the contested election case of Gallagher *v.* Tilton, was taken up, and considered in Committee of the Whole, Mr. Stevenson in the Chair.

After spending some time in considering the subject, the committee rose, and reported, without recommendation.

The following resolution was offered by Mr. Smith of Nevada:

Resolved, That the report of the Committee on Elections in the case of Gallagher *v.* Tilton, be adopted, and that S. S. Tilton retain his seat.

Mr. Stevenson moved to adjourn.

Lost.

Mr. Shannon moved to make the resolution the special order for to-morrow at half-past eleven o'clock.

Lost.

Mr. O'Connor moved a call of the House, which was carried, and the following members were absent, viz: Messrs. Conness, Gwinn, Haliday, Johnson of Amador, and Johnson of Sierra.

On motion of Mr. Hundley, further proceedings under the call, were dispensed with.

Mr. Henry moved the previous question.

Sustained.

On the adoption of the resolution, Messrs. Shannon, Hundley, and Theller, demanded the ayes and noes, and it was adopted, by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bowman, Campbell, Conn, Conness, Coombs, Crowell, Curtis, Daggett, Dunlap, Goodman, Halsted, Hammond, Hawley, Hayes, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, Maxson, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stone, Walden, Welty, White, Williams, Yager, and Mr. Speaker—48.

Noes—Messrs. Babcock, Bell, Fairchild, Gallagher, O'Connor, Sawyer, Schmidt, Stevenson, Theller, Warner, Wilson, and Yancey—12.

Mr. Sawyer offered the following resolution:

Resolved, That James Gallagher, contestant in the case of Gallagher *v.* Tilton, be allowed the usual per diem and mileage of members of the Assembly up to this day, inclusive, and same payable out of the Contingent Fund of the Assembly.

On its adoption, Messrs. Shannon, Laspeyre, and Hugg, demanded the ayes and noes, and it was lost, by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bell, Conness, Covarrubias, Curtis, Dunlap, Fairchild, Gallagher, Hayes, Henry, Heston, Maxson, O'Connor, Sawyer, Schmidt, Smith of Nevada, Theller, Wilson, Yancey, and Mr. Speaker—21.

Noes—Messrs. Beach, Bowman, Campbell, Conn, Coombs, Crowell, Daggett, Goodman, Haliday, Halsted, Hammond, Hawley, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Shelton, Smith of Sutter, Starr, Stone, Walden, Warner, Welty, White, Williams, and Yager—40.

At fifteen minutes past four o'clock, P. M., on motion of Mr. Howe, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 1, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
The following members were absent, viz: Messrs. Coombs, Hundley, Lovell, and Wilkins.
Mr. Wilkins had indefinite leave of absence, and Mr. Bailey of Santa Clara and the Chief Clerk for one day each.
The Journal of yesterday was read and approved.

PETITION.

Mr. Laspeyre presented a petition of Erastus M. Walker for law for leave to sell Real Estate.
Referred to Judiciary Committee.

REPORTS.

Reports were made as follows:
By Mr. Stevenson:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 103, An Act for the relief of Moses Haynes for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County, have had the same under consideration and recommend that it be rejected.

E. A. STEVENSON,
Chairman.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee have examined Assembly Bill, No. 22, entitled An Act amendatory and supplementary to the "Act defining the rights of Husband and Wife," and report the same back with certain amendments, and recommend its passage as amended.
Assembly Bill, No. 121, An Act to fix the terms of the County Court and the Court of Sessions in the County of Nevada, is also reported back, with the recommendation that it pass.

WILLIAMS,
Chairman.

By Mr. Fairchild:

Mr. SPEAKER:—Your committee have had under consideration Assembly Bill, No. 115, and report the same back, with the following amendments:
In section one, strike out all after the word "imprisonment," in eighteenth and nineteenth lines.
In section second, strike out all after the word "imprisonment," in line twenty-third.
Your committee would recommend the adoption of these amendments,

and that the bill be then referred to the Judiciary Committee for their consideration.

D. FAIRCHILD,
Chairman Committee on Public Morals.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined and report as correctly engrossed the following bills:

Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River at its mouth, to parties therein mentioned;

Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 110, An Act to grant the right to convey Water in pipes to supply the inhabitants of the town of Red Bluff;

Also, Assembly Bill, No. 123, An Act to extend the time for the Tax Collector of the counties of Sutter and Napa to collect the Taxes in said counties, and make their final settlement with the Auditor.

BEACH,
Chairman.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sawyer, An Act to authorize the Executrix of the estate of William Hart, deceased, to sell Real Estate of said testator at private sale;

Also, An Act to amend "An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character," approved April tenth, one thousand eight hundred and fifty-five.

By Mr. Rogers of San Francisco, An Act to amend "An Act amendatory of 'An Act concerning Divorces,'" passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-five;

Also, An Act to amend "An Act amendatory of, and supplementary to, the 'Act to regulate proceedings in Civil Cases in the Courts of Justice of this State,'" passed May fifteenth, one thousand eight hundred and fifty-four.

By Mr. Tilton, An Act to fix the time for holding Municipal Elections in the City and County of San Francisco, and to define the terms of certain Officers therein mentioned.

By Mr. Howe, An Act to regulate Pawnbrokers in this State, and to define their liabilities.

SECOND READING OF BILLS.

Senate Bill, No. 64, An Act to compensate the Resident Director of the State Prison—read second time and referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers of San Francisco, An Act to amend "An Act to regulate proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Also, An Act to authorize Charles B. Polhemus, John Center, Robert Allen, John Perry, Jr., and W. Southwick, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon.

Read first and second times and referred to the San Francisco Delegation.

By Mr. McDermit, An Act amendatory to "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven.

Read first and second times and referred to the Judiciary Committee.

By Mr. Lambert, An Act amendatory of section first of "An Act concerning Roads and Highways," passed April twenty-eighth, one thousand eight hundred and fifty-five.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Goodman, An Act for the relief of Witnesses in Criminal Cases in the City and County of Sacramento.

Read first and second times and referred to the Sacramento Delegation.

By Mr. Lawrence, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable so far as counties of Trinity and Butte are concerned.

Read first and second times and referred to the delegations from Trinity and Butte.

GENERAL FILE.

Senate Bill, No. 17, An Act for the relief of A. D. Park, late County Treasurer of El Dorado County, was considered in Committee of the Whole.

Mr. Burson in the Chair.

After considering the bill for some time the committee rose, reported progress, and had leave to sit again.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 31, Relative to the New Almaden Mine, the special order of the day, was taken up.

Mr. Stevenson offered the following amendment:

After the word "to" in the sixth line, add "allow the Courts of the United States to determine, according to the evidence, all matters appertaining to the Almaden Quicksilver Mine."

On motion of Mr. Rodgers of Tuolumne, the further consideration of the resolution was made the special order for Wednesday next at one o'clock, P. M.

On motion of Mr. Fairchild at two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 2d, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
The following members were absent, viz: Messrs. Crowell and King.
The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:
By Mr. Williams, of citizens of Gilroy, for Sunday Law.
Referred to the Committee on Public Morals.
By Mr. Bailey of Tuolumne, of Tax Payers of Tuolumne County, for restoration of Attachment Law of one thousand eight hundred and fifty-one.
Referred to the Judiciary Committee.

REPORTS.

Reports were made as follows:
By Mr. Howe:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 92, entitled An Act to annex a portion of Tuolumne, Calaveras, and San Joaquin Counties, to the County of Stanislaus, have considered the same, and report the bill back with amendments, and recommend the passage of the bill as amended.

ROBERT HOWE,
Chairman.

By Mr. Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation, have had under consideration Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River, at some point between First and Seventh Streets, in the City of Sacramento, report back a substitute for the same, recommending the passage of the substitute.

B. M. HENRY,
Chairman.

By Mr. Lawrence:

Mr. SPEAKER:—The delegation from Trinity and Butte, to whom was referred Assembly Bill, No. 129, would state that they have had the said bill under consideration, and report the same back, and respectfully recommend its passage.

A. C. LAWRENCE,
WILLIAM LAMBERT.

By Mr. Stevenson:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 66, An Act for the payment of the current and necessary expenses of the Pacific Railroad Convention, have had the same un-

der consideration, and beg leave to report back the following substitute, and recommend its passage.

We also recommend, that it be made the special order for Saturday next, at twelve o'clock.

STEVENSON,
Chairman.

On motion of Mr. Starr, Assembly Bill, No. 84, An Act to authorize the Board of Supervisors, of the City and County of Sacramento, to appropriate certain money in the City and County Treasury, for the payment of current expenses of the City and County, and for the City for the fiscal year, ending February twenty-ninth, one thousand eight hundred and sixty, was taken up.

Pending the consideration of which, the hour arrived for taking up the

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the Southern portion of the State, the special order for this day, was on motion of Mr. Rogers of San Francisco, postponed until Thursday, February seventh, one thousand eight hundred and sixty, at twelve, M.

Consideration of Assembly Bill, No. 84, resumed, substitute reported by majority of Sacramento Delegation, adopted, rules suspended, bill considered engrossed, and read third time.

On its passage Messrs. Welty, Goodman, and Starr, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conness, Covarrubias, Curtis, Dunlap, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Maxson, McDermit, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Theller, Walden, White, Williams, and Wilson—42.

NOES—Messrs. Bailey of Santa Clara, Burson, Conn, Coombs, Haliday, Hawley, Hugg, Makins, O'Connor, Shannon, Tilton, Watson, Welty, Yancey, and Mr. Speaker—15.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Johnson of Sierra:

Resolved, That James Gallagher be allowed the pay of a member of the Assembly, from the beginning of this session up to the thirty-first of January, one thousand eight hundred and sixty, payable out of the Contingent Fund of the Assembly.

Mr. Hundley moved to indefinitely postpone the resolution; upon which Messrs. Johnson of Sierra, Schmidt, and Theller, demanded the ayes and noes, and it was indefinitely postponed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Bowman, Campbell, Conn, Conness, Coombs, Daggett, Goodman, Haliday, Hammond, Hawley, Hugg, Hundley, Jenkins, Johnson of Amador, Lambert, Laspeyre, Lawrence,

Lewis, Lovel, Makins, McDermit, O'Rear, Pate, Patten, Rodgers of Tuolumne, Shannon, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Watson, Welty, White, and Williams—38.

Noes—Messrs. Babcock, Bailey of Tuolumne, Bell, Burson, Covarrubias, Dunlap, Fairchild, Gallagher, Gwinn, Hayes, Henry, Howe, Johnson of Sierra, Maxson, O'Connor, Rogers of San Francisco, Sawyer, Schmidt, Smith of Nevada, Theller, Walden, Wilson, Yancey, and Mr. Speaker—24.

By Mr. Goodman:

Resolved, That a committee of five be appointed to inquire whether Assembly Bill, No. 92, after its reference to the Committee on Counties and County Boundaries, was mutilated, and report to this House.

Mr. Shannon moved to indefinitely postpone the resolution.

Adopted.

By Mr. Laspeyre:

Resolved, That the State Prison Directors, be requested to furnish the Assembly with the Journal of the Directors, kept during the time the Board were in session.

Adopted.

By Mr. Tilton:

Resolved, That the Sergeant-at-Arms of the Assembly, be, and he is hereby, authorized to employ some suitable person, to wash out, and keep clean, the *water closets*, in the rear of the Capitol, during the session of the Legislature, at an expense not to exceed the sum of ten dollars per week, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Hundley:

Resolved, By the Assembly, the Senate concurring, that one member of this House, and two members of the Senate, be added to the Committee on Constitutional Amendments.

Adopted.

The following report was offered by Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the Collection of the same;

Also, Assembly Bill, No. 81, An Act supplementary to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine.

JOHN DAGGETT,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, February 1, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney of the County of Contra Costa;

Also, Assembly Bill, No. 123, An Act to extend the time for the Tax Collector of the Counties of Sutter and Napa, to Collect the Taxes in said Counties, and to make their final settlement with the Auditor;

Also, have adopted Assembly Concurrent Resolution, No. 44, Relative to Mail Routes between Stockton and Mariposa;

Also, Assembly Concurrent Resolution, No. 37, Relative to the Public Lands.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Thursday, February 2, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 79, An Act to release the Sureties on a certain Bond.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 79, above reported, was read first and second times and made special order for February third, one thousand eight hundred and sixty, at twelve, M.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Starr, An Act fixing the time of holding the Court of Sessions and the County Court of Sacramento County.

By Mr. McDermit, An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds.

By Mr. Groom, An Act to repeal "An Act to encourage the supply of Fresh Water on the Desert west of Fort Yuma," approved April fifteenth, one thousand eight hundred and fifty-nine.

By Mr. Makins, An Act concerning the Officers of Placer County, and the collection of Property, Poll, Foreign Miners' License, and other License Taxes in said County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sawyer, An Act to authorize the Executrix of William Hart, deceased, to sell Real Estate of her testator at Private Sale;

Also, An Act to amend an Act entitled "An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character," approved April tenth, one thousand eight hundred and fifty-five.

Read first and second times and referred to the Judiciary Committee.

By Mr. Burson, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou.

Read first and second times and placed on file.

By Mr. Yancey, An Act to amend an Act entitled "An Act amendatory of, and supplemental to, an Act entitled 'An Act concerning Crimes and Punishments,'" passed April sixteenth, one thousand eight hnndred and fifty, passed April twenty-seventh, one thousand eight hundred and fifty-five.

Read first and second times and referred to the Judiciary Committee.

By Mr. Shelton, An Act to confirm and legalize the Assessment Roll or Tax List of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same.

Read first and second times and referred to the Calaveras Delegation.

By Mr. Hundley, An Act to amend section second of an Act entitled "An Act to provide for the appointment of Deputy County Treasurer," approved April fifteenth, one thousand eight hundred and fifty-four.

Read first and second times and referred to the Judiciary Committee.

By Mr. Rogers of San Francisco, An Act to amend an Act entitled "An Act amendatory of section four of 'An Act concerning Divorces,' " passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three;

Also, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, the Act entitled 'An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State,' " passed May fifteenth, one thousand eight hundred and fifty-four.

Read first and second times and referred to the Judiciary Committee.

By Mr. O'Connor, An Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk in the County of Nevada.

Read first and second times and referred to the Nevada Delegation.

By Mr. Johnson of Amador, An Act providing for the preparation of a Code of Laws for this State.

Read first and second times and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill, No. 63, An Act to appropriate Money to pay William H. Peterson—considered in Committee of the Whole.

Mr Shannon in the Chair.

Committee reported progress and had leave to sit again.

Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine—amendments adopted, rules suspended, considered engrossed, read third time and passed.

Mr. Johnson of Sierra moved a call of the House.

Lost.

Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 91, An Act to appropriate money for the payment of Gen. A. M. Winn, for Military Services;

Also, Assembly Bill, No. 101, An Act to repeal an Act entitled "An Act to authorize Married Women to transact business in their own name, as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two;

And Assembly Bill, No. 106, An Act to amend an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in Criminal Cases,' " passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six —were placed at the foot of the file.

The House refused to order to engrossment Assembly Bill, No. 99, An Act to create a State Police and to define the powers and duties of the same;

And Assembly Bill, No. 90, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases"—amendments adopted and ordered engrossed.

Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones to Franklin Ralph—rules suspended, considered engrossed, read third time, and passed.

Mr. Yancey moved to adjourn.

Lost.

Assembly Bill, No. 114, An Act to repeal an Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California, approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved March twelfth, one thousand eight hundred and fifty-nine—ordered engrossed.

Senate Bill, No. 13, An Act to authorize the Administrator of the estate of Samuel J. Crosby, deceased, to sell and convey Real Estate;

And Senate Bill, No. 28, An Act for the relief of Purchasers of Real Estate, at sales made by Public Administrators—were read third time and passed.

Senate Bill, No. 37, An Act for the Relief of David Morgan.

Mr. Stevenson moved to adjourn.

Lost.

Mr. Henry moved a call of the House, which was sustained, and Messrs. Babcock, Bailey of Tuolumne, Covarrubias, Fairchild, Gallagher, Groom, Hugg, Lewis, Sawyer, Schmidt, and Shelton, were absent.

The Sergeant-at-Arms was directed to bring in the absentees.

Mr. Conness moved that further proceedings be dispensed with.

Lost.

Messrs. Covarrubias, Lewis, Schmidt, Kungle, and Yager, were excused.

Mr. Lawrence moved that further proceedings be dispensed with.

Lost.

Mr. Fairchild appeared at the bar of the House, was admitted, and excused.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

At half past three o'clock, P. M., on motion of Mr. Smith of Nevada, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 3d, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.

The Roll was called.

The following members were absent, viz: Messrs. Beach, Covarrubias, Gwinn, Heston, Johnson of Sierra, and Yancey.

Messrs. Beach, Heston, and Covarrubias, had indefinite leave of absence, and Mr. Campbell, for two days.

REPORTS.

Reports were made as follows:

Mr. Stevenson, from Committee on Claims, verbally reported Assembly Bill, No. 61, and recommended its reference to Judiciary Committee.

The bill was so referred.

By Mr. Laspeyre:

Mr. SPEAKER:—The Committee on Ways and Means, respectfully report to your Honorable Body, that they have carefully considered the following bills referred to them, approve the same, and recommend their passage:

Senate Bill, No. 34, entitled An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, Licenses, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 122, entitled An Act to amend an Act entitled "An Act concerning the office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty;

Also, Senate Bill, No. 29, entitled An Act making an appropriation for the eleventh fiscal year, ending the thirtieth day of June, one thousand eight hundred and sixty.

T. LASPEYRE,
Chairman, *pro tem.*

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 132, An Act to amend section two, of an Act entitled "An Act to provide for the appointment of Deputy County Treasurer," approved May fifteenth, one thousand eight hundred and fifty-four, report the same back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth and Fifteenth, Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven, and report the bill back amended, and recommend its passage as amended.

Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of section four, of 'An Act concerning Divorces,'" passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three, is herewith reported back, with the recommendation that it pass.

Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her testator, at private sale, is reported back, with the recommendation that it pass.

Your committee have also, carefully examined Assembly Bill, No. 62, An Act to prohibit Gaming, and report the same back, with a substitute, and recommend the adoption of the substitute.

WILLIAMS,
Chairman.

By Mr. Rogers, of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, have examined the account of William Dougherty, for Newspapers furnished to the members of the Assembly, for the month of January, one thousand eight hundred and sixty:

William Dougherty, for Newspapers furnished to the members of the Assembly, for the month of January, 1860...	$146 00
C. W. Tozier, for Stamps and Envelopes, for the use of the Assembly.....	789 00
Hodge & Wood, for Stationery, for the use of the Assembly...	441 50
D. Kendall, for two Table furnished Committee Rooms.....	25 00
Total.....	$1401 50

And find the same correct, and recommend their payment.

DANIEL ROGERS,
Chairman.

Adopted.

By Mr. Jenkins:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly Bill, No. 73, An Act to provide for the Sale of the Sixteenth and Thirty-Sixth Sections of Land donated to the State for School Purposes by act of Congress, passed March third, one thousand eight hundred and fifty-three, approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration and respectfully beg leave to report the same back, and recommend its passage with the following amendments:

Strike out in the second line, after the words "so far as relates to the County of Merced," and insert, at the end of section one, "so far as relates to the Counties of Merced, San Joaquin, and San Diego."

JENKINS,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment, have examined Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara, and find it correctly engrossed.

O'REAR,
Chairman, *pro tem.*

By Mr. Sawyer:

Mr. SPEAKER:—The Committee on Mileage having had the subject under consideration, report the following as the amount of mileage due each member of the State Prison Committee, for mileage to and from the State Prison:

Names.	Miles.	Amount.
Sawyer	260	$52 00
Lewis	260	52 00
Henry	260	52 00
Hayes	260	52 00
Babcock	260	52 00
Lovel	260	52 00
Howe	260	52 00

SAWYER,
Chairman.

Mr. Fairchild, from the Committee on Public Morals, verbally reported and recommended the passage of Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Audulterated, Spirituous, or Alchoholic, Liquors, Wines, and Cider.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Conness:

Resolved, That the resolution heretofore adopted by this House, authorizing the Sergeant-at-Arms to purchase Stationery for the use of the Assembly, is hereby rescinded.

Adopted.
By Mr. Hundley:

Concurrent Resolution, Relative to a Daily Mail from Oroville to Quincy.

Adopted.
By Mr. Fairchild:

Resolved, That the Clerk of the Assembly be directed to deliver the papers accompanying the prayer for relief by A. D. Parks, late Treasurer of El Dorado County, to the Chairman of the Committee on Public Printing, and said committee be instructed to report at their earliest convenience the propriety of printing the same in sufficient numbers as will supply the wants of members, as also conserve the good of the State at large.

Laid on the table.

REPORT.

The following report was made by Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 123, An Act to extend the time for the Tax Collector of the Counties of Sutter and Napa to collect

the Taxes in said Counties, and make their final settlement with the Auditor.

JOHN DAGGETT,
Chairman.

On motion of Mr. Stevenson, the House resolved itself into Committee of the Whole, to consider Senate Bill, No. 17, An Act for the relief of A. D. Park, late County Treasurer of El Dorado County.

The committee rose, reported the bill back to the House, and recommended its passage.

The bill was read a third time, and on its passage Messrs. Fairchild, Howe, and Crowell, demanded the ayes and noes, and it was passed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Bell, Bowman, Conness, Curtis, Dunlap, Gallagher, Groom, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Makins, Maxson, McDermit, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Shelton, Smith of Nevada, Starr, Stevenson, Stone, Theller, Tilton, Walden, Warner, Watson, Welty, Wescott, White, Williams, Wilson, Yager, and Yancey—50.

NOES—Messrs. Burson, Crowell, Fairchild, Goodman, Haliday, Howe, Hugg, Kungle, Lewis, O'Conner, O'Rear, Shannon, and Mr. Speaker—13.

Mr. Conness gave notice of reconsideration of the vote just taken.

Mr. Shannon offered the following resolution:

Resolved, That the Controller be, and is hereby, authorized to draw his warrant for the sum of fifty-two dollars to each of the members of the State Prison Committee, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Welty offered Concurrent Resolution, Relative to Donations of Public Lands.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, February 3d, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 84, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries and to provide for its Organization;"

Also, Senate Bill, No. 49, An Act to fix the compensation of the District Attorney of Napa County;

Also, Assembly Bill, No. 112, An Act to change the name of Mary Louisa Muller.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 49, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 84, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

SPECIAL ORDER.

Senate Bill, No. 79, An Act to release the Sureties on a certain Bond; And, Assembly Bill, No. 112, An Act to release the Sureties on a certain Bond, the special order of the day, was taken up, and the House, on motion, considered Senate Bill, No. 79, which was read a third time, and passed.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sawyer, An Act to amend an Act entitled "An Act concerning Conveyances," approved April sixteenth, one thousand eight hundred and fifty.

By Mr. Laspeyre, An Act to submit to a vote of the People in the Counties of San Joaquin, Calaveras, Tuolumne, Amador, Stanislaus, Alameda, Merced, Santa Clara, and Contra Costa, a proposition to impose a direct Tax, for the purpose of raising a fund to complete the work on the Big Tree Road.

By Mr. Hundley, An Act to repeal "An Act to provide for the permanent location of the Seats of Justice of the several Counties of this State," passed April fifteenth, one thousand eight hundred and fifty, and all amendments thereto.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conness, An Act supplementary to an Act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to El Dorado Delegation.

By Mr. Tilton, An Act in relation to the Mountain Lake Water Company.

Read first and second times. and referred to San Francisco Delegation.

By Mr. McDermit, An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lewis, An Act granting leave of absence from the State to Thomas H. Hanson.

Read first time.

By Mr. O'Connor, An Act to amend an Act entitled "An Act to amend 'An Act to establish the pay of Officers and Employés of the Senate and Assembly, and to repeal existing laws relating thereto,'" approved April twenty-sixth, one thousand eight hundred and fifty-eight, which act was approved January, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Accounts and Expenditures.

By Mr. Johnson of Amador, An Act to provide for the conveyance of Mining Claims.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Schmidt, An Act to authorize Robert Haley and John G. Oldner to construct a Wharf at the foot of Third Street, in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Johnson of Sierra, An Act to Regulate the Fees of Officers in Sierra County.

Read first and second times, and referred to the Delegation from Sierra County.

GENERAL FILE.

Senate Bill, No. 37, An Act for the Relief of the Heirs of David Morgan—read third time and passed.

Assembly Bill, No. 24, An Act to Regulate Fees of Witnesses in Criminal Cases.

Mr. Rogers of San Francisco, moved to amend, by inserting after the word "Township," in section second, the words "or City,"—adopted, and bill recommitted to Special Committee of five.

The Speaker announced Messrs. Burson, Hundley, Conness, Starr, and Rogers of San Francisco, as such committee.

On motion, Mr. Ellis was added to the committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, February 3, 1860.

Mr. SPEAKER:—The Senate on this day passed Senate Bill, No. 30, An Act for the Relief of Joshua D. Crippen, Sheriff of Mariposa County;

Also, Senate Bill, No. 48, An Act to appropriate money to pay J. W. Lockwood;

Also, Senate Bill, No. 70, An Act supplementary to an Act, entitled "An Act to prevent the trespassing of Animals upon private Property," passed March thirty-first, one thousand eight hundred and fifty-five.

Also, Senate Bill, No. 83, An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 83, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 30, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 70, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate Bill, No. 48, above reported, read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
Friday, February 3, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 8, An Act to amend "An Act concerning Roads and Highways, in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight, with amendments.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 8, above reported.

GENERAL FILE RESUMED.

Senate Bill, No. 28, An Act fixing the time when General Laws shall take effect;

Also, Senate Bill, No. 40, An Act amendatory of, and supplemennary to, an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Senate Bill, No. 55, An Act to give effect to Patents issued in the names of Deceased persons;

Also, Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River at its mouth to parties therein mentioned;

Also, Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight;

And also, Assembly Bill, No. 110, An Act to grant the right to convey Water in pipes to supply the inhabitants of the town of Red Bluff—were read third time and passed.

Assembly Bill, No. 22, An Act amendatory of, and supplementary to, the "Act defining the rights of Husband and Wife—committee amendments adopted and bill ordered engrossed.

Assembly Bill, No. 103, An Act for the relief of Moses Haynes for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County—placed at foot of file.

Assembly Bill, No. 106, An Act to amend an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight handred and fifty-six.

Mr. Conness moved to insert El Dorado County.

Mr. White moved to insert Shasta County.

The rules were suspended, bill considered engrossed, read third time, and passed.

Assembly Bill, No. 115, An Act to protect Female Children under seventeen years of age—referred to the Judiciary Committee.

On motion of Mr. Henry, at quarter past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 4th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Messrs. Coombs and King were absent.

Messrs. Starr and King had leave of absence for one day each, and Messrs. Coombs and Gallagher indefinite leave.

Journal of yesterday read and approved.

A communication was received from the Attorney-General and referred to the Committee on Federal Relations.

PETITIONS.

Petitions were presented as follows:

By Mr. Johnson of Sierra, of citizens of Sierra County for new County.

Referred to the Committee on Counties and County Boundaries.

By Mr. Phelps, of Daniel Green, for relief in relation to contract between the State and James M. Estell.

Referred to the State Prison Committee.

REPORTS.

Reports were made as follows:

By Mr. Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 83, An Act to amend an Act entitled "An Act concerning Passengers arriving in the ports of this State," approved May third, one thousand eight hundred and fifty-two, have considered the same, and I am instructed to report it back and recommend its passage.

B. M. HENRY,
Chairman of Committee.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the following accounts and found them correct:

	Amount.
Democratic Standard, for Papers furnished Members two weeks	$138 00
George T. Lytle, for Papers furnished Members	81 97
Total	$219 97

And your committee recommend that the same be paid out of the Contingent Fund of the Assembly.

DANIEL ROGERS,
Chairman.

By Mr. Johnson of Amador:

Mr. SPEAKER:—Your Committee upon Mines and Mining Interests have had under consideration Assembly Bill, No. 120, An Act in relation to Mining Copartnerships, and report the same back with a substitute bill, respectfully recommending the passage of the substitute.

The experience of members of the committee, and a thorough investigation of the whole subject, have convinced us of the practicability of, and great necessity for, the passage of such a law. We conceive, and respectfully submit, that there are arguments conclusive in favor of its enactment. It is not proposed to enumerate them in this report, but a few suggestions may not be out of place. The main object to be attained by the passage of the proposed act is, that mining partners may sue and be sued by each other without the delay and expensive litigation consequent upon the usual action for a dissolution of partnership and settlement of accounts.

Mining partnerships, from necessity, are often based upon doubtful contingencies, and it is for the relief of all parties concerned that the passage of this bill is recommended. The non-action, or failure from any cause, of one or more of the partners to comply with the agreements mutually entered into will subject those actively remaining to difficulties and embarrassments, and very frequently deplorable failures and a sacrifice of property are the consequences. The merchant, mechanic, or other person, trusting the mining company, are almost equally interested with the miner himself in the passage of this act. It cannot injure any one, but, on the contrary, is calculated to promote and advance the common interests of all classes of citizens in the mining districts, unless, indeed, we may except a few unprincipled persons who are base enough to encourage litigation, regardless of its disastrous consequences upon their fellow men.

All of which is respectfully submitted.

JOHNSON of Amador,
Chairman,
LAWRENCE,
CURTIS,
GALLAGHER,
YANCEY,
PATTEN,
HUGG,
WHITE.

By Mr. O'Rear:

Mr. Speaker:—The Committe on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 84, An Act to authorize the Board of Supervisors of the City and County of Sacramento to appropriate certain Moneys in the City and County Treasury and in the City Treasury for the payment of the current expenses of the City and County, and for the city for the fiscal year ending February twenty-ninth, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones to Franklin Ralph;

Also, Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases;

Also, Assembly Bill, No. 114, An Act to repeal "An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved March twelfth, one thousand eight hundred and fifty-nine.

O'REAR,
For the Committee.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon;

Also, Assembly Concurrent Resolution, Relative to extending the Preemption privilege;

Also, Assembly Concurrent Resolution, Relative to asking the General Government for Arms.

JOHN DAGGETT,
Chairman.

By Mr. Sawyer:

Mr. SPEAKER:—The delegation from the City and County of San Francisco, to whom was referred Senate Bill, No. 20, have had the same under consideration and have directed me to report it back without amendment, and to recommend its passage.

SAWYER,
For Delegation.

By Mr. Babcock, from majority of San Francisco and San Mateo Delegation:

Mr. SPEAKER:—The San Francisco and San Mateo Delegation, to whom was referred Senate Bill, No. 36, have had the same under consideration, and the undersigned, a majority of said delegation, beg leave to report the bill back with an amendment, and recommend its passage as amended.

TILTON,
PHELPS,
PATE,
MAXSON,
BABCOCK.

By Mr. Theller, from minority of said delegation:

Mr. SPEAKER:—The undersigned, a minority of the San Francisco Delegation, to whom was referred Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the right of way over certain Lands of this State, in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight, beg leave to present the following report:

The act of one thousand eight hundred and fifty-eight granted to D. S. Cook, Horace Hawes, S. M. Mezes, and others, the right to build and maintain a plank or turnpike road from the south end of Portrero Nuevo, as near the bay as possible, to intersect the San Francisco and San José Stage Road at or near the Fifteen Mile House, for a term of twenty years. This company constructed this road, known as the San Bruno Turnpike, and erected a tollgate thereon which has now been located for nearly two

years. The said tollgate being distant about four and a half miles from the plaza. This same company, not satisfied with the concession made by a former Legislature, now come and ask for more. They ask that they may be allowed to move the tollgate two miles nearer the city, and have it located directly upon the Brannan Street Bridge, which crosses Mission Creek. This bridge was built at an expense of very many thousand dollars, by the city and county of San Francisco, for the convenience of those residing upon the southern portion of the city and county —a section of land at least forty square miles in extent and covered by a population of from three to four thousand souls. But, besides these, there are many more thousands in that part of San Mateo County, contiguous to San Francisco, whose interests would be materially affected by the passage of such a bill as the one contemplated. By its passage all these persons would be obliged to pay heavy tolls to keep the whole road in repair, and benefit the stockholders, when they would only travel over and use a very small portion of it. This piece of road has always been free to them, and it is cruel and unjust in the highest degree to allow speculators to close it to the poorer class among them, particularly, when by doing so they close up the only free road running out of San Francisco in that direction.

But this is not all. The bill in question proposes that the company shall be allowed the privilege of collecting toll on the Brannan Street Bridge for *a period of eighteen years!* In eighteen years San Francisco will grow immensely, and this spot—already by no means thinly settled —will be one of her most bustling thoroughfares. Besides, public opinion is strenuously opposed to having San Francisco hemmed in on all sides with tollgates, because they are a curse to the poor man, and retard materially the growth of the city.

For these reasons, and believing the bill unjust and oppressive to legislate taxation upon the shoulders of the poor, solely for the convenience, support, and aggrandizement, of the rich, we beg leave to recommend its indefinite postponement.

THELLER,
SCHMIDT,
SAWYER,
ROGERS.

By Mr. Conness:

Mr. SPEAKER:—The undersigned, the Special Committee, to whom was referred the resolution authorizing the Engrossing Committee to appoint an Assistant Clerk, have had the same under consideration and report, that in their opinion no Assistant is needed at this time by the Engrossing Clerk.

CONNESS,
STEVENSON,
BEACH.

The resolution above reported, lost.

Mr. Conness verbally reported and recommended the passage of Assembly Bill, No. 147, An Act suplementary to an Act entitled "An Act to Incorporate the City of Placerville," approved May seventh, one thousand eight hundred and fifty-nine.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Jenkins:

Resolved, That the Committee on Public Printing be instructed to ascertain the amount already expended by this House for printing, and report thereon.

Adopted.

By Mr. Crowell:

Resolved, That when this House adjourns, it adjourns until Tuesday next, at eleven o'clock, A. M.

Mr. Gwinn moved to lay the rosolution on the table, on which Messrs. Henry, Howe, and Jenkins demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bell, Bowman, Conn, Covarrubias, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Henry, Hugg, Jenkins, Johnson of Amador, Kungle, Lovel, Makins, O'Connor, Patten, Rodgers of Tuolumne, Stone, Swan, Walden, Warner, Watson, Welty, White, Williams, Wilson, Yager, and Mr. Speaker—35.

NOES—Messrs. Babcock, Burson, Conness, Crowell, Curtis, Daggett, Dunlap, Gallagher, Groom, Hayes, Howe, Hundley, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Lewis, Maxson, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Neveda, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Wescott, and Yancey—36.

On the passage of the resolution, Messrs. Rogers of San Francisco, Warner, and Jenkins, demanded the ayes and noes, and the same was lost by the following vote:

AYES—Messrs. Babcock, Beach, Crowell, Curtis, Daggett, Dunlap, Groom, Hayes, Howe, Hundley, Lambert, Laspeyre, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Stevenson, Theller, Tilton, Walden, Watson, Welty, Wescott, and Yancey—31.

NOES—Messrs. Bailey of Santa Clara, Bell, Bowman, Burson, Conn, Conness, Covarrubias, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Henry, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, Patten, Rodgers, of Tuolumne, Shelton, Starr, Stone, Swan, Warner, White, Williams, Wilson, Yager, and Mr. Speaker—41.

By Mr. Johnson, of Amador:

Resolved, By the Assembly, the Senate concurring, that fifty-one members of the two Houses, be granted leave of absence for one day.

Mr. Curtis, moved to lay the resolution on the table.

Carried.

Mr. Smith, of Sutter, was added to the Committee on Swamp and Overflowed Lands, and Mr. Goodman, to Roads and Highways.

On motion of Mr. Conness, the Sergeant-at-Arms was directed to appoint John Clark, to attend to attend to the Water Closets, under the resolution offered by Mr. Tilton.

By Mr. Rogers, of San Francisco:

Resolved, That the sum of seven handred and eighty-nine dollars, embraced in the report of the Committee on Public Accounts and Expenditures presented yesterday, be taken from the Special Fund appropriated for furnishing stamps and postage for the Assembly, and that all accounts for postage, stamps, and envelopes, hereafter presented shall be taken from the fund designed for that purpose.

Adopted.

By Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 54, An Act to extend the time for the Collection of State and County Taxes, in the Counties of Sonoma, Marin, and Mendocino;

Also, Assembly Bill, No. 16, An Act to amend an Act entitled "An Act to provide for the support of the Indigent Sick of Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney, of the County of Contra Costa;

Also, Assembly Concurrent Resolution, No. 44, Relative to a Mail Route between Stockton and Mariposa.

JOHN DAGGETT,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Senate Chamber,
Saturday, February 4th, 1860.

Mr. Speaker:—The Senate has this day passed Senate Bill, No. 67, An Act to authorize the Courts of Record, of this State, to admit Herbert Clulon Jones, as an Attorney and Counselor at Law;

Also, Senate Bill, No. 45, An Act to Audit and Allow the claim of Britton & Rey,

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 45, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 67, above reported, read first and second times, and placed on file.

NOTICES OF BILLS.

Mr. Goodman, gave notice of the Introduction of a bill, for An Act to amend "An Act Concerning Roads and Highways, in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," passed April nineteenth, one thousand eight hundred and fifty-nine.

SECOND READING OF BILLS.

Assembly Bill, No. 144, An Act granting Leave of Absence from the State, to Thomas H. Hanson;

Read second time, and placed on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Howe, An Act to repeal an Act entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty, and the several Acts amendatory thereto.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Sawyer, An Act to amend "An Act concerning Conveyances," approved sixteenth of April, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Yager, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Goodman, An Act to amend "An Act to regulate the settlement of the Estate of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Starr, An Act fixing the time of holding the Court of Sessions and County Court, in the County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Johnson of Sierra, An Act to fix the Compensation of the County Judge and District Attorney of Sierra County.

Read first and second times, and referred to the Sierra Delegation.

By Mr. Lovel, An Act to Legalize the Official acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County, and for other purposes.

Read first and second times, and referred to the Placer Delegation.

By Mr. O'Connor, An Act concerning the office of County Clerk of Nevada County.

Read first and second times, and referred to the Nevada Delegation.

GENERAL FILE.

Senate Bill, No. 83, An Act to amend an Act entitled "An Act concerning Passengers arriving at the Ports of this State," approved May third, one thousand eight hundred and fifty-two—read third time and passed.

Assembly Bill, No. 112, An Act to release the Sureties on a certain Bond—indefinitely postponed.

Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions in the County of Nevada—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 92, An Act to annex a portion of Tuolumne, Calaveras, and San Joaquin Counties, to Stanislaus County—committee amendments adopted, and referred to the delegations from San Joaquin and Stanislaus.

Assembly Bill, No. 129, An Act to amend an Act amendatory of "An Act concerning Roads and Highways," passed April nineteenth, one thou-

sand eight hundred and fifty-six, and to make applicable, so far as the Counties of Trinity and Butte are concerned—ordered engrossed.

Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River, at some point between Front and Seventh Streets, in the City of Sacramento—recommitted to Sacramento Delegation, with instructions to report on Monday next.

Assembly Bill, No. 66, An Act for the payment of the Current and Necessary Expenses of the Pacific Railroad Convention—was considered in Committee of the Whole.

Mr. Stevenson in the Chair.

The committee rose and reported the bill back to the House without recommendation.

Mr. Rogers of San Francisco, moved to fill the blank in the first section with two thousand five hundred dollars.

Upon which Messrs. Babcock, Conness, and Rogers of San Francisco, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Conness, Covarrubias, Dunlap, Fairchild, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hugg, Hundley, Jenkins, Johnson of Sierra, Lambert, Lawrence, Lovel, Makins, Maxson, McDermit, O'Conner, O'Rear' Pate, Rogers of San Francisco, Sawyer, Shannon, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Swan, Welty, Wescott, Williams, Wilson, Yager, and Mr. Speaker—42.

Noes—Messrs. Bell, Haliday, Henry, Kungle, Laspeyre, Lewis, Patten, Smith of Nevada, Warner, and Watson—10.

The House then went into Committee of the Whole to consider the bill—the committee rose, reported the bill back with amendments, which were adopted, and the bill ordered engrossed.

At ten minutes past two o'clock, on motion of Mr. Smith of Nevada, the House adjourned until Monday morning, at eleven o'clock.

IN ASSEMBLY.

House of Assembly,
Monday, February 6, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members were absent, viz: Messrs. Bailey of Tuolumne, Conn, Curtis, Ellis, Gallagher, Groom, Hayes, Howe, Hugg, Lovel, Maxson, Phelps, Sawyer, Schmidt, Theller, Tilton, Wescott, and Yancey.

Mr. Henry asked and obtained leave of absence for Mr. Curtis, for two days, and Messrs. Theller, Phelps, Smith, Daggett, Conn, Maxson, Howe, Bailey, Ellis, Hayes, Yancey, and Shelton, for one day each, and Messrs. Tilton and Wescott, for two days.

Mr. Kungle had indefinite leave of absence.

The Journal of Saturday was read and approved.

Mr. Fairchild presented a petition praying for the passage of a Sunday Law.

Referred to the Committee on Public Morals.

REPORTS.

Reports were made as follows:

Mr. Stevenson, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Joint Committee on Claims, to whom was referred Assembly Bill, No. 116, An Act for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties in this State," have had the same under consideration, and beg leave to report the same back, with the following amendments, and recommend its passage as amended.

E. A. STEVENSON,
Chairman.

Mr. Rogers of San Francisco, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred the Account of J. Bithell, for Stationery furnished the Assembly April sixteenth, one thousand eight hundred and fifty-nine;

Also, the account of Post Office, for Envelopes and Postage for the As-Assembly, April fourteenth, one thousand eight hundred and fifty-nine, report the same back, and recommend their reference to the Committee on Claims.

DANIEL ROGERS,
Chairman.

Mr. Walden, of the San Joaquin and Stanislaus Delegations, made the following report:

Mr. SPEAKER:—A majority of the delegations of San Joaquin and Stanislaus Counties, to whom was referred Assembly Bill, No. 93, entitled An Act to annex a portion of San Joaquin County to Stanislaus County, have had the same under consideration, report it back, with amendments, and recommend the adoption of the following amendment:

Mr. Welty, from a Select Committee, made the following report:

Mr. SPEAKER:—The undersigned, the Select Committee, to whom was referred Assembly Bill, No. 130, being An Act for the relief of certain Witnesses, in Criminal Cases, in the City and County of Sacramento, having considered the same, report the same back, with a substitute, and recommend the passage of the substitute.

WELTY,
H. STARR,
L. C. GOODMAN.

Placed on file.

Also, the Sacramento Delegation, to whom was referred substitute for Assembly Bill, No. 105, have considered the same, and recommend an amendment to section two, and recommend the passage of the same as amended.

Amend on line fourth of section two as follows:

Strike out the words "at or near the foot of D Street, within," and insert the following: "at some point north of C Street, north, and between Front and Seventh streets, as designated on the plat or plan of."

WELTY,
L. C. GOODMAN.

Mr. Starr, from Sacramento Delegation, made the following report:

Mr. SPEAKER:—We, the undersigned, members and committee, to whom was referred Assembly Bill, No. 153, have examined the same, and report the same back to the House, and recommend its passage.

H. STARR,
D. W. WELTY,
L. C. GOODMAN.

FEBRUARY 6th, 1860.

On motion of Mr. Stevenson, the House was considered in Committee of the Whole, to take into consideration Assembly Bill, No. 63, An Act to appropriate money to pay W. H. Peterson.

The committee rose, and reported the bill back, without recommendation.

On motion of Mr. Stevenson, the bill was referred to the Committee on Claims.

RESOLUTION.

Mr. Lambert offered the following resolution:

Resolved, By the Assembly, that the Committee on Education be, and they are hereby, instructed to make a thorough investigation of the present school law of this State, to take into consideration the amendments, modifications, and suggestions, proposed by the Superintendent of Public Instruction in his report of the present year, and to report a bill to this House, with such amendments, modifications, or alterations, of the said law as may be deemed expedient and proper.

Adopted.

On motion of Mr. White, Assembly Bill, No. 101, An Act to repeal An Act entitled "An Act to authorize Married Women to transact business in their own names as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two, was taken from file, and re-referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shannon, a bill for An Act to repeal an Act entitled "An Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District in the County of Plumas."

Read first and second times, and placed on file.

By Mr. Goodman, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," passed April nineteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to Sacramento Delegation.

By Mr. Hundley, An Act to provide for settling the Boundary Line between the Counties of Sierra and Plumas.

Read first and second times, and referred to the Plumas Delegation.

Also, An Act to repeal an Act entitled "An Act to provide for the permanent location of the Seats of Justice of the several Counties of this State," passed April eleventh, one thousand eight hundred and fifty, and all amendments thereto.

Read first and second times, and referred to the Judiciary Committee.

Also, An Act to extend the time for collecting Taxes in the County of Plumas.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

GENERAL FILE.

Assembly Bill, No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou—rules suspended, considered engrossed, read third time, and passed.

RESOLUTION.

Mr. Lamar, by leave, introduced the following resolution:

Whereas, The very tender ties that bind the plastering to the ceiling of this chamber are continuously in danger of being severed; and,

Whereas, One of those ties being rudely sundered this morning, a large amount of plastering was precipitated to the floor, thereby endangering the life of a member of this Body, he only escaping from the fact that he is a most expert "dodger;" therefore,

Resolved, That a competent and proper person be appointed by the Speaker of the Assembly to examine the plastering of the Assembly Chamber, and he be instructed to remove such parcels as are in danger of falling.

Adopted.

Assembly Bill, No. 91, An Act to appropriate money for the payment of General A. M. Winn, for Military Services, was made special order for Wednesday, February eighth, at one o'clock, P. M.

At twenty minutes past twelve o'clock, on motion of Mr. Conness, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 7th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

The following members were absent, viz: Messrs. Conn, Daggett, and Stevenson.

Messrs. Conn, Daggett and Stevenson, had leave of absence for one day each.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Conness, of citizens of Georgetown, El Dorado County, for a Sunday Law.

Referred to Committee on Public Morals.

By Mr. Laspeyre, Remonstrance of citizens of San Joaquin County, against organization of Mokelumne County.

Referred to Committee on Counties and County Boundaries.

By Mr. Haliday, of Board of Supervisors, of Sierra County and others, against the division of the County.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were read as follows:

By Mr. Jenkins, from Committee on Claims:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 30, An Act for the relief of Joshua D. Crippen, Sheriff of Mariposa County, have had the same under consideration, and respectfully recommend the passage of the bill.

JENKINS,
For the Committee.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee, beg leave to make the following report.

They have examined the amount of copying done from January twenty-sixth, to February seventh, and find as follows:

Description.	Folios.	Amount.
Journal and Appendix, fifteen cents per Folio	823	$123 45
For Printer etc., ten cents per Folio	2,239	223 90
Total	3,062	$347 35

The committee recommend the adoption of the following Resolution:

Resolved, That the Controller be authorized to draw his warrant in favor of J. M. Anderson, for the sum of three hundred and forty-seven dollars and thirty-five cents, payable out of the Copying Fund.

CHARLES McDERMIT,
Chairman.

Adopted.

By Mr. Johnson of Sierra:

The Sierra Delegation, to whom Assembly Bill, No. 141, An Act to regulate the Fees of Officers, in Sierra County, was referred, report the same back, and recommend its passage;

Also, Assembly Bill, No. 154, An Act to fix the Compensation of the

County Judge and District Attorney of Sierra County, report the same back, and recommend its passage.

HALIDAY,
JOHNSON.

By Mr. Campbell, minority of the San Joaquin and Stanislaus Delegation:

Mr. SPEAKER:—The undersigned, a minority of the special committee consisting of the San Joaquin and Stanislaus Delegation, to whom was referred a bill for An Act to annex a portion of San Joaquin, Tuolumne, and Calaveras Counties, to Stanislaus County, having had said bill under consideration, beg leave to make the following report:

We find the bill objectionable in many respects, and believe that the passage of it would be contrary to the best interests as well as the wishes of the majority of the people of both counties.

There are documents in the possession of the Committee on Counties and County Boundaries, to show that a majority of the legal voters of Stanislaus County, are opposed to the annexation.

When the proposal to segregate a portion of San Joaquin, for the benefit of Stanislaus, was broached last year, the subject was strongly opposed by the entire people of San Joaquin. The undersigned believe that a remonstrance against the passage of the bill would receive the signature of the people of San Joaquin.

The county of Stanislaus contains but a small area of territory suitable for anything but stock raising, and is never likely to become populous. The addition of a portion of San Joaquin only, would not put the former county upon a basis by which it could sustain its organization, and the consequence would be, that an additional number of persons and more territory would become involved. It is not proposed to annex any portion of Tuolumne and Calaveras, as the delegation from those counties are largely opposed to the movement, and it is believed that the people of that portion of the two counties which it was proposed to annex, are also opposed.

It is an unjust and dangerous precedent for the Legislature to allow a new county, after it has been formed out of an old one, and finds itself unable to continue its organization, to prey upon the territory of other counties to sustain it.

If Stanislaus is found in the condition above stated, it should in common justice be restored to the county from which it was segregated, and to whom it has never fulfilled the contract made at the time of separation.

Should the annexation be made, the people of La Grange, the principal town now in Stanislaus, who are unanimously opposed to the measure, would be compelled to cross two rivers, in the event the County Seat is removed to Knights' Ferry, which is the only object of the annexation. The absurd shape which Stanislaus County will present upon the map, should the addition be made, should also be taken into consideration.

The bill does not satisfactorily provide for the payment of such sums to San Joaquin, as may be decided by the Commissioners, to be due that county. One section provides that the amount shall be paid out of any money coming into the treasury of Stanislaus; another that twenty per cent. of the receipts shall be set apart for that purpose, which is correct.

If the former, then San Joaquin is made a creditor, preferred to Tuol-

umne, to the officers of the County, and to all others to whom Stanislaus is, or may become, indebted; this proposition, of course, would not be carried out. If the latter proposition is adopted, San Joaquin, judging from the experience of Tuolumne, will have to look far into the future to see the sum awarded by the Commissioners safely deposited in her treasury. Stanislaus has never paid principal or interest, both amounting to twelve or fifteen thousand dollars, and is notoriously bankrupt.

For these, and other causes, the undersigned feels it due to his constituents to recommend the indefinite postponement of the bill.

Respectfully submitted,
W. L. CAMPBELL.

By Mr. Lovel:

Mr. SPEAKER:—The Placer Delegation, to whom was referred Assembly Bill, No. 155, An Act to Legalize the Official acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County, and for other purposes, respectfully report the same back and recommend its passage.

J. W. HARVILLE,
JAS. N. MAKINS,
L. M. LOVEL,
D. S. BEACH.

Assembly Bill, No. 155, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

The following resolution was offered by Mr. White:

Resolved, By the Assembly, that the Joint Select Committee on Constitutional Amendments be instructed to inquire into the expediency of so amending article first, section seventeenth, of the Constitution, as to exclude Chinese or Mongolians from the operation thereof. Also, article fourth, section second, so as to make the sessions of the Legislature biennial. Also, section three of said article, making members of the Assembly elective every two years.

Adopted.

NOTICES OF BILLS.

Notice of the introduction of bills were given as follows:

By Mr. Welty, An Act to amend an Act passed May fifteenth, one thousand eight hundred and fifty-four, entitled "An Act to amend 'An Act to regulate Proceedings in Civil Cases,'" passed April twenty-seventh, one thousand eight hundred and fifty-one.

By Mr. Rogers of San Francisco, An Act for the Relief of William H. Brown.

By Mr. Bailey of Santa Clara, An Act to amend the present Law for the Regulation of Common Schools in this State.

GENERAL FILE.

Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four—Read third time and passed.

Assembly Bill, No. 103, An Act for the Relief of Moses Haynes, for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County.

Mr. Conness moved to strike out all after the enacting clause.

Bill considered in Committee of the Whole, and reported back without recommendation.

On its engrossment Messrs. Conness, O'Conner, and Johnson of Sierra, demanded the ayes and noes, and it was ordered engrossed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Covarrubias, Crowell, Ellis, Fairchild, Goodman, Gwinn, Haliday, Hayes, Henry, Howe, Hundley, Johnson of Sierra, Lambert, Laspeyre, Maxson, McDermit, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Theller, Walden, Welty, and Yancey—34.

Noes—Messrs. Bailey of Santa Clara, Burson, Conness, Groom, Halsted, Hammond, Harville, Hawley, Hugg, Jenkins, King, Lawrence, Lewis, Lovell, Makins, O'Connor, Shelton, Stone, Swan, Tilton, Warner, Watson, White, Williams, Wilson, Yager, and Mr. Speaker—27.

Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara—read a third time and passed.

Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spirituous Liquors, Wines and Cider.

Mr. Smith moved to amend by inserting after the words "sell and dispose of," in the first section as follows: "in quantities exceeding one gallon at any one time."

Adopted.

Mr. Laspeyre moved to strike out "one gallon" and insert "five gallons."

Adopted.

Mr. Shannon moved the previous question, which was sustained.

On the indefinite postponement of the bill, Messrs. Welty, Goodman, and Laspeyre demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Conness, Covarrubias, Crowell, Gwinn, Haliday, Hayes, Howe, Hundley, Johnson of Sierra, Lambert, Laspeyre, Lawrence, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shelton, Smith of Sutter, Stone, Theller, White, and Wilson—28.

Noes—Messrs. Beach, Burson, Campbell, Ellis, Fairchild, Goodman, Groom, Halsted, Hammond, Harville, Hawley, Henry, Hugg, Jenkins, King, Lewis, Makins, Maxson, McDermit, O'Connor, Patten, Sawyer, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Walden, Warner, Watson, Welty, Williams, Yager, Yancey, and Mr. Speaker—35.

Mr. Conness moved to strike out the first section.

The motion was declared, by the Speaker, to be out of order.

Mr. Conness appealed from the decision.

The House sustained the decision of the Chair.

On the engrossment of the bill, Messrs. Conness, Laspeyre, and Rodgers of Tuolumne, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Burson, Campbell, Covarrubias, Ellis, Fairchild, Goodman, Groom, Halsted, Hammond, Harville, Hawley, Henry, Hugg, Jen-

kins, Lewis, Lovel, Makins, Maxson, McDermit, O'Connor, Pate, Patten, Sawyer, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Watson, Welty, Williams, Yager, Yancey, and Mr. Speaker—31.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Crowell, Dunlap, Haliday, Hayes, Howe, Hundley, Johnson of Sierra, King, Lambert, Laspeyre, Lawrence, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shelton, Smith of Sutter, Stone, Theller, Walden, Warner, White, and Wilson—34.

Mr. Warner gave notice of a reconsideration of the vote just taken.

SPECIAL ORDER.

Senate substitute for Assembly Concurrent Resolution, No. 36, Relative to Seat of Government, was taken up.

Mr. Conness moved to amend as follows:

Strike out all after the word "consideration," in the fifth line and insert as follows: "the erection of public buildings suitable for State purposes."

Mr. Henry moved the previous question.

The motion was sustained.

Mr. Conness moved a call of the House.

Lost.

On the amendment offered by Mr. Conness, Messrs Conness, Beach, and Laspeyre, demanded the ayes and noes, and it was lost by the following vote:

Ayes—Messrs. Beach, Bell, Bowman, Campbell, Conness, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Harville, Hawley, Hugg, Hundley, Jenkins, Lambert, Lawrence, Lovel, Makins, McDermit, O'Connor, Patten, Shannon, Smith of Nevada, Starr, Stone, Watson, Welty, and White—30.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Burson, Covarrubias, Crowell, Groom, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Johnson of Sierra, Laspeyre, Lewis, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Swan, Theller, Tilton, Walden, Warner, Wescott, Williams, Wilson, Yancey, and Mr. Speaker—37.

Mr. Conness moved a call of the House.

Lost.

On the indefinite postponement of the resolution, Messrs. Conness, Theller, and Rogers of San Francisco, demanded the ayes and noes, and the House refused, by the following vote:

Ayes—Messrs. Beach, Bell, Bowman, Campbell, Conness, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Harville, Hawley, Hugg, Hundley, Jenkins, Lambert, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, Shannon, Smith of Nevada, Starr, Stone, Swan, Warner, Watson, Welty, and White—31.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Burson, Covarrubias, Crowell, Groom, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Johnson of Sierra, Laspeyre, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Theller, Tilton, Walden, Wescott, Williams, Wilson, Yager, Yancey, and Mr. Speaker—36.

Mr. Conness moved a call of the House.

Lost.

On the adoption of the resolution, Messrs. Burson, Rogers of San Francisco, and Theller, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Burson, Conness, Covarrubias, Crowell, Groom, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Johnson of Sierra, Lewis, Laspeyre, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Theller, Tilton, Walden, Wescott, Williams, Wilson, Yager, and Yancey—37.

Noes—Messrs. Beach, Bell, Bowman, Campbell, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Harville, Hawley, Hugg, Hundley, Jenkins, Lambert, Lawrence, Lovel, Makins, McDermit, O'Connor, Shannon, Smith of Nevada, Starr, Stone, Swan, Warner, Watson, Welty, White, and Mr. Speaker—30.

Mr. Henry moved to reconsider at this time the vote by which the House concurred in resolution, upon which Messrs. Conness, Hugg, and Makins, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Burson, Covarrubias, Groom, Gwinn, Haliday, Halsted, Hayes, Henry, Laspeyre, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Shelton, Theller, Tilton, Williams, Wilson, and Yancey—26.

Noes—Messrs. Beach, Bell, Bowman, Campbell, Conness, Dunlap, Ellis, Fairchild, Goodman, Hammond, Harville, Hawley, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, Lambert, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, O'Rear, Patten, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Walden, Warner, Watson, Welty, Wescott, White, Yager, and Mr. Speaker—40.

Mr. Conness gave notice of reconsideration of the vote by which the House concurred in the resolution.

Mr. Henry moved to adjourn.

Lost.

REPORT.

The following report was made by Mr. O'Rear.

Mr. Speaker:—The Committee on Engrossment respectfully report that they have examined and found the following Assembly bills correctly engrossed, to-wit: Assembly Bill, No. 22, An Act, amendatory of, and supplementary to, the Act defining the rights of Husband and Wife;

Also, Assembly Bill, No. 129, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as Counties of Trinity and Butte are concerned;

Also, Assembly Bill, No. 145, An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds;

Also, Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions, in the County of Nevada;

Also, substitute for Assembly Bill, No. 66, An Act for the payment of the current and necessary expenses of the Pacific Railroad Convention.

O'REAR,
For the Committee.

At half past two o'clock, P. M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, Feb. 8, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Messrs. Henry and Yancey were absent.
Journal of yesterday read and approved.
Mr. Laspeyre presented a remonstrance of citizens of San Joaquin County against creation of new county.

REPORTS.

Reports were made as follows:
By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee to whom was referred Assembly Bill, No. 115, An Act to protect Female Children under seventeen years of age, have carefully considered the same, and report the same back and recommend its passage.

Assembly Bill, No. 75, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath, referred to your committee for the purpose of examination as to its constitutionality, is herewith reported back without recommendation. In the opinion of a majority of the committee it is unconstitutional.

Assembly Bill, No. 150, An Act to amend an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty, is reported back with the recommendation that it do not pass.

WILLIAMS,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 158, An Act to extend the time for the collection of Taxes in the County of Plumas;

Also, Assembly Bill, No. 106, An Act to amend an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in Criminal Cases,'" passed May first one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six.

O'REAR,
Chairman.

By Mr. Hundley:

Mr. SPEAKER:—The Sierra and Plumas Delegation, to whom was referred Assembly Bill, No. 157, An Act to provide for settling the Boundary Line between the Counties of Sierra and Plumas, have had the same under consideration and report the same back, with an amendment that the counties of El Dorado and Sacramento be embraced in the provisions of the said bill, and for that purpose offer a substitute for all of said bill after the enacting clause.

P. O. HUNDLEY,
THOMAS J. HALIDAY.

Mr. Shelton verbally reported and recommended the passage of Assemsembly Bill, No 134, An Act to confirm and legalize the Assessment Roll or Tax List of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same.

By Mr. Theller:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 8, An Act to amend an Act entitled "An Act concerning Roads and Highways in certain counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 112, An Act to change the name of Mary Louisa Muller;

Also, Assembly Concurrent Resolution, No. 29, Relative to asking Congress for the formation of a new Land District in California.

SAMUEL L. THELLER,
Chairman, *pro tem.*

By Mr. Sawyer:

Mr. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due the members of the Committee on State Hospitals for mileage to and from the Insane Asylum, beg leave to report as follows:

Names.	Miles.	Amount.
Harville	90	$18 00
King	90	18 00
Wescott	90	18 00
Total		$54 00

All of which is respectfully submitted.

SAWYER,
Chairman.

The committee recommend the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant for the sum of eighteen dollars in favor of each of the members of

State Hospital Committee, payable out of the Contingent Fund of the Assembly.

The report and resolution was recommitted to the Committee on Mileage, with instructions to report the amount of the expenses of the committee, and which of them actually visited Stockton.

Mr. Smith of Nevada was appointed on the Committee on Constitutional Amendments.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 8th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved the following bills:

Assembly Bill, No. 123, An Act to extend the time for the Tax Collectors of the Counties of Sutter and Napa, to collect the taxes in said counties, and make their final settlement with the Auditor;

Also, Assembly Bill, No. 81, An Act supplemental to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County, to collect certain Delinquent Taxes, and to extend the time for the collection of the same;

Also, Assembly Bill, No. 10, An Act to amend "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office, in certain Counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 80, An Act fixing the Compensation of the members of the Board of Supervisors, of the County of Amador;

Also, Assembly Bill, No. 39, An Act to authorize the Board of Supervisors of Alameda and Santa Clara Counties, to make appropriations to Agricultural Societies, and to legalize an appropriation heretofore made;

Also, Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEP'T,
Sacramento, February 8th, 1860.

To the Honorable the Assembly of the State of California:

I transmit herewith for the consideration of your Honorable Body, a copy of a letter addressed to me by General Clark, U. S. Army, Commanding Department of California, "A" inclosing a copy of report by Lieutenant Dillon, on the subject of Indian difficulties, in Mendocino County, "B."

JOHN G. DOWNEY,
Governor.

The above message, together with the accompanying documents, were referred to the Committee on Indian Affairs.

(A)

HEAD-QUARTERS, DEPARTMENT OF CALIFORNIA,
San Francisco, February 3d, 1860.

SIR:—I have received, and now inclose you a report on the condition of Indian relations in Round Valley, and from this I am satisfied that troops are not needed there.

Mr. G. H. Woodman, representing himself as a resident of Long Valley, Mendocino, has represented to me, that the Indians driven by State troops from Round Valley, were destroying property in his vicinity and begging the prompt movement of the troops; if your Excellency has any information on this subject I would be glad to be put in possession of it.

I have the honor to be,
Very Respectfully,
Your Obedient Serv't,
Signed. N. S. CLARK,
Col. 6th Inf'y, B't Brig-Gen'l Com'g.

His Excellency,
JOHN G. DOWNEY,
Governor of the State of California

(B)

ROUND VALLEY, CAL.,
January 27th, 1860.

SIR:—I have this day received from your office a copy of a letter from the Governor of this State, relative to the condition of Indian Affairs in this valley, together with directions from you to report thereon. Former reports of my immediate commanding officer, and of myself, make it unnecessary to refer to the past, in other than a general manner, and my remarks will therefore be applied to the present and to the events of the last two months.

That the Indians in this vicinity are hostile, is emphatically incorrect. If any stock has been killed by these Indians within the above-mentioned time, I certainly have no knowledge of it, nor do I believe it to be true. That no citizen, or white person has been killed by these Indians, is a fact which I am prepared undeniably to prove.

Since my last arrival in this valley, (more than a year ago,) but one white man has been killed, or even attacked by these Indians, and in this case there was excellent reason to believe that the man was engaged in

the abduction of an Indian woman. This case occurred in August last, and has been particularly reported.

In respect to the necessity of additional force here for the protection of the inhabitants, I can confidently assert, that the Indians stand more in need of protection than the whites.

I cannot be mistaken in asserting the belief, that there are certain parties having interests in this valley whose aim it is, (backed by their minions,) to exterminate the Indians in this valley as well as in the adjacent mountains, for the sole purpose of increasing the now limited range for stock. A company of volunteers has been ranging in this vicinity all the winter, and in connection with citizens of this valley, have, as well as I am able to ascertain, been engaged in the indiscriminate murder of all Indians whose misfortune it has been to fall in with them.

There seems to be a settled determination on the part of the citizens of this valley to annoy in every way the Agents of the Indian Department on this reservation. Daily do they pull down the fences and drive their stock upon the reservation. Almost nightly do they come into the rancherias of the Indians and take away women, and only a few days since a house on the premises was broken open forcibly and two women therein confined taken off by the parties who forced the lock. Those acts committed during the night, and on portions of the reservation not under my eye, cannot be noticed by me, for want of legal evidence; indeed, as those offenses are under the laws of California only misdemeanors, I could not arrest the perpetrators upon my evidence, my orders not authorizing me to arrest a citizen for any "act for which one citizen of this State might not arrest another." The presence of this detachment has, notwithstanding, been the saving of the Indians, for I am fully persuaded that nothing but fear has prevented the lawless citizens of this valley from destroying root and branch the establishment of the Indian Department.

Very respectfully,
Your most obedient servant,
(Signed) EDWARD DILLON,
Second Lieutenant, commanding Sixth Infantry.

To Major W. W. Mackall, Assistant Adjutant-General, Head-Quarters Department of California, San Francisco, Cal.

HEAD-QUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, February 2d, 1860.

A true copy.
(Signed) W. W. MACKALL,
Assistant Adjutant-General.

—

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 8th, 1860.

To the Honorable the Assembly of California:

I transmit, herewith, a copy of the Annual Report of the Surveyor-General of the State. Your attention to the same is respectfully solicited. But one copy has been furnished this department, for which reason I beg the Senate may be informed of its transmission to your Honorable Body.

JOHN G. DOWNEY,
Governor.

The report of the Surveyor-General, above reported, was referred to the Joint Committee on Printing.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Howe:

Concurrent Resolution, Relative to printing Report of State Registrar.

Adopted.
By Mr. Laspeyre:

Resolved, That the Committee on State Prison inquire into the reasonable expense incurred while visiting that institution, and report a resolution to pay their expenses, over and above their mileage.

Lost.
By Mr. Fairchild:

Joint Resolution, Relative to the state of the Union.

Referred to the Committee on Federal Relations.

On motion of Mr. Pate, Senate Bill, No. 36, was recommitted to the San Francisco and San Mateo Delegations.

On motion of Mr. Shelton, Assembly Bill, No. 134, An Act to confirm and legalize the Assessment Roll on the Tax List of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same, was taken up, the rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Rogers of San Francisco, Assembly Bill, No. 66, An Act for the payment of the necessary expenses of the Pacific Railroad Convention, was taken up, read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, Feb. 7, 1860.

Mr. SPEAKER:—The Senate on Saturday adopted Assembly Concurrent Resolution, No. 47, Relative to donating Public Lands to actual Settlers, with amendments;

Also, Assembly Concurrent Resolution, No. 46, Relative to Mail Route between Oroville and Quincy;

Also, Assembly Concurrent Resolution, No. 45, Relative to increase of Committee on Constitutional Amendments, and have appointed on the part of the Senate, Messrs. Merritt and Anderson.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Concurrent Resolution, No. 47, above reported.

SENATE CHAMBER,
Wednesday, Feb. 8, 1860.

Mr. SPEAKER:—The Senate on Friday, February fifth, one thousand

eight hundred and sixty, passed Senate Bill, No. 93, An Act authorizing the City and County of San Francisco to settle certain Claims;

Also, Senate Bill, No. 68, An Act to change the name of Wm. C. Perry to that of Wm. C. Miller.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 93, above reported, read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 68, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICE OF BILL.

Notice of the introduction of a bill was given as follows:

By Mr. McDermit, An Act to authorize the construction of Wagon Roads over Mountains, within the State of California, by Joint Stock Companies.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conness, An Act to repeal an Act entitled "An Act to fix the Compensation of the Tax Collector of the County of El Dorado, and his Deputies in certain cases, and to Legalize certain Orders heretofore made by the Board of Supervisors of said County, and to order the Payment of certain County Warrants, issued by the County Auditor of said County," approved March second, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the El Dorado Delegation.

By Mr. Theller, An Act to confer further Powers upon the Board of Education, the Auditor, and Treasurer, of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Howe, An Act to regulate Pawnbrokers in this State, and to define their Liabilities.

Read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill, No. 62, An Act to prohibit Gaming—substitute adopted, rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 73, An Act to amend an Act entitled "An Act to provide for the sale of the Sixteenth and Thirty-Six Sections of Land donated to this State for School Purposes, by act of Congress," passed March third, one thousand eight hundred and fifty three, approved April twenty-six, one thousand eight hundred and fifty-eight—amendments adopted, and referred to the Committee on Education.

Mr. Bailey of Santa Clara, moved a call of the House, which was sustained, and Messrs. Ellis, Haliday, Harville, Henry, Lovel, Makins, and Yancey, were absent.

On motion of Mr. Shannon, further proceedings were discontinued under the call.

Assembly Bill, No. 122, An Act to amend an Act entitled "An Act

concerning the Office of County Assessors," passed March twenty-seventh, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 132, An Act to amend section two of "An Act to provide for the appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-four;

Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of section fourth of 'An Act concerning Divorces,'" passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three—were ordered engrossed.

Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Thirteenth Judicial Districts, of this State, and the Judges thereof," approved March thirty-first, one thousand, eight hundred and fifty-seven—committee amendments adopted and bill ordered engrossed.

Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her testator at private sale—rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

Substitute for Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mines, the special order of the day, was taken up after spending some time in considering the resolution—

Mr. Rodgers of Tuolumne moved to adjourn.

Lost.

Mr. Makins moved the previous question.

Messrs. Conness, Shannon, and Hundley demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Bell, Bowman, Burson, Conn, Covarrubias, Crowell, Dunlap, Groom, Haliday, Halsted, Hayes, Henry, Howe, Lambert, Lewis, Lovel, Makins, Patten, Rogers of San Francisco, Shelton, Smith of Sutter, Stone, Watson, and Yager—27.

Noes—Messrs. Bailey of Tuolumne, Conness, Daggett, Ellis, Fairchild, Goodman, Gwinn, Hammond, Harville, Hawley, Hugg, Hundley, Jenkins, Johnson of Sierra, King, Laspeyre, Lawrence, Maxson, McDermit, O'Connor, O'Rear, Pate, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Starr, Swan, Tilton, Warner, Welty, Wescott, White, Williams, Wilson, and Mr. Speaker—36.

Mr. Conness moved to postpone the further consideration of the resolution until Wedesday next.

Lost.

On the adoption of the resolution Messrs. Williams, Makins, and Howe, demanded the ayes and noes, and the same was lost by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Burson, Campbell, Conn, Covarrubias, Goodman, Groom, Hayes, Henry, Johnson of Sierra, Lambert, O'Connor, Phelps, Rogers of San Francisco, Sawyer, Shannon, Shattuck, Starr, Walden, Watson, Welty, Wescott, Wilson, and Yager—28.

Noes—Messrs. Beach, Bell, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Howe, Hugg,

Hundley, Jenkins, King, Laspeyre, Lawrence, Lewis, Lovell, Makins, Maxson, McDermit, O'Rear, Pate, Patten, Rodgers of Tuolumne, Smith of Sutter, Stone, Swan, Tilton, Warner, White, Williams, and Mr. Speaker —37.

Mr. Conness was excused from voting.
Mr. Conness gave notice of reconsideration of the vote just taken.
At three o'clock, P. M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 9th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Messrs. Stevenson and Yancey, were absent.
Mr. Yancey had indefinite leave of absence.
The Journal of yesterday was read and approved.
The Speaker announced Messrs. Bailey of Tuolumne, Henry, Walden, and Curtis, as committee on part of the House, under Senate Substitute for Assembly Concurrent Resolution, No. 36, Relative to Seat of Government.

REPORTS.

Reports were made as follows:
By Mr. Laspeyre:

Mr. SPEAKER:—The Committee on Public Printing, to whom was referred a resolution requiring them to ascertain the amount already expended by the House for printing, and report thereon, have had the same subject under consideration, and beg leave to make the following report:

Amount expended up to date of resolution, by order of the Assembly, is four hundred and eighty-eight dollars and fifty-one cents. With the report will be found the items of printing, with the date of each order made by the House. This amount is exclusive of the printing ordered by Concurrent Resolutions of the two Houses.

Respectfully,

T. LASPEYRE,
Chairman.

By Mr. Howe:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 108, An Act to relocate and fix the County Seat of Sierra County, have considered the same, and report the bill back, with amendments, and recommend the passage of the bill as amended.

The same committee, to whom was referred Assembly Bill, No. 95, An Act to create the County of Mokelumne, and to provide for its Organization, have considered the same, and report the bill back, and recommend that it do not pass.

ROBERT HOWE,
Chairman.

By Mr. Henry:

Mr. Speaker:—The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 15, An Act granting the privilege to run a Steam Ferry between Vallejo and Mare Island, to Edward Lougon and Thomas Horton, their successors and assigns, have considered the same, and I am instructed to report it back, and recommend its passage as amended.

HENRY,
Chairman.

Sacramento, February 9th, 1860.

By Mr. Rogers of San Francisco:

Mr. Speaker:—Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill, No. 148, An Act to amend an Act entitled "An Act to establish the pay of Officers and Employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, one thousand eight hundred and fifty-eight, which act was approved January, one thousand eight hundred and fifty-nine, report the same back, and recommend that it be referred to the Special Committee on the Reorganization of the Clerical Force of the Assembly.

D. ROGERS,
Chairman.

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 155, An Act to legalize the official acts of Hiram R. Hawkins and James T. Stewart, County Clerks of Placer County;

Also, Assembly Bill, No. 103, An Act for the relief of Moses Haynes, for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County;

Also, Assembly Bill, No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou.

BEACH,
Chairman.

By Mr. Sawyer:

Mr. Speaker:—The Committee on Mileage, to whom was recommitted the subject of the mileage and expenses of the State Hospital Committee, have had the subject under consideration and beg leave to report that the actual expenses of each member of said committee were twenty-one dollars each; but that we deem it inexpedient to report in favor of allowing them more than the mileage and per diem allowed by law, because it would be establishing, in the estimation of your committee, a bad precedent.

The committee, therefore, recommend the adoption of the report and resolution, offered on yesterday, as amended by the Assembly.

SAWYER,
Chairman.

Mr. Williams moved that the House reconsider the vote by which on yesterday it refused to adopt substitute for Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mine, on which Messrs. Maxson,

Makins, and Hugg, demanded the ayes and noes, and the vote was reconsidered as follows:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bell, Bowman, Burson, Campbell, Conn, Conness, Covarrubias, Curtis, Daggett, Dunlap, Ellis, Goodman, Groom, Halsted, Hawley, Hayes, Henry, Jenkins, Johnson of Sierra, Lambert, Lawrence, Lewis, McDermit, O'Connor, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Swan, Theller, Tilton, Walden, Watson, Welty, Wescott, Williams, Wilson, and Yager—46.

NOES—Messrs. Beach, Crowell, Fairchild, Gwinn, Haliday, Hammond, Harville, Howe, Hugg, Hundley, King, Lamar, Lovel, Makins, Maxson, O'Rear, Pate, Patten, Phelps, Stone, Warner, White, and Mr. Speaker—23.

Mr. Goodman moved to recommit Assembly Bill, No. 95, An Act to create the County of Mokelumne and to provide for its Organization, to the Sacramento and San Joaquin Delegations.

Pending the consideration of the motion the hour arrived for taking up the

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the Southern portion of the State, which was postponed until Wednesday next, February fifteenth, one thousand eight hundred and sixty, at one o'clock, P. M.

Consideration of Mr. Goodman's motion resumed.

Mr. Williams moved to add the following instructions: "To report to this House whether or not those citizens of the counties of Sacramento and San Joaquin residing within the proposed new county of Mokelumne, are in favor of the creation of the new county, and also whether or not a majority of all the citizens of the two counties are favorable to the proposition.

Carried.

The following communication was received from the Pacific Railroad Convention:

PHILHARMONIC HALL,
February 9th, 1860.

To the Honorable the Speaker of the Assembly
of the Legislature of the State of California:

SIR:—I have been directed to transmit to you the here annexed resolution, passed this day unanimously at the session of the Pacific Railroad Convention, and beg leave to request you to lay the same before the Body over which you preside, and your kind attendance is respectfully solicited.

Mr. Farrell, of San Francisco introduced the following resolution:

Resolved, That the Secretary be, and is hereby, instructed to extend an invitation, through the President of the Senate, and the Speaker of the Assembly, to the members of the Legislature to be present during the session of the Convention while the fifteen million proposition is being dis-

cussed, and to participate in the debate which will be had this evening, at half past seven o'clock, at the Assembly Chamber.

Respectfully,
Your obedient servant,
WILLIAM RABE,
Sec'y P. R. R. Convention.

On motion of Mr. Lawrence, the invitation was accepted and the Assembly Chamber tendered to the convention for evening sessions.

Mr. Lambert, moved a call of the House, which was sustained.

The following members were absent, viz: Messrs. Bell, Bowman, Ellis, Sawyer, Shattuck, Shelton, and Stevenson.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Rodgers of Tuolumne:

Resolved, That the Standing Committee on Counties and County Boundaries, be abolished.

Laid over under the rules.

By Mr. Welty:

Concurrent Resolution, Relative to location of State Reform School.

Laid on the table.

By Mr. Daggett:

Resolved, that the Fifth Article in the Order of Business, viz: Motions and Resolutions, be placed last in order.

Laid over one day.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, February 8th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 9, An Act to afford protection to Immigrants to California.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 9, above reported, read first and second times, and referred to Judiciary Committee.

SENATE CHAMBER,
Thursday, February 9th, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 66, An Act for the payment of the current and necessary expenses of the Pacific Railroad Convention;

Also, have adopted Assembly Concurrent Resolution, No. 48, Relative to printing Report of State Registrar.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Thursday, February 9th, 1860.

Mr. SPEAKER:—The Senate on yesterday, passed Senate Bill, No. 18, An Act to authorize Martha Buckelew and her assigns, to build Wharf at Agnes Island, in Marin County;

Also, Senate Bill, No. 53, An Act to authorize the Board of Managers, of the San Francisco Orphan Asylum Society, to bind as Apprentices, Clerks, and Servants, orphan and half orphan children under their care and tuition.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 18, above reported, was read first and second times, and referred to Committee on Commerce and Navigation;

Senate Bill, No. 53, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sawyer, An Act to authorize Joint Stock Associations, for Savings, Deposit, and Discount.

By Mr. Conn, An Act to legalize the County Records of San Bernardino County.

By Mr. Crowell, An Act to levy a special tax on Bachelor's over thirty years of age, and apply the same to the County School Fund.

Mr. Tilton presented the following communication, from the Board of Supervisors, of the city and county of San Francisco, which was referred to the Special Committee on Seat of Government.

MESSAGE FROM THE BOARD OF SUPERVISORS OF SAN FRANCISCO.

CLERK'S OFFICE, BOARD OF SUPERVISORS,
San Francisco, February 8th, 1860.

Hon. S. S. TILTON,
State Assembly:

SIR:—Inclosed, please find copies of Preamble and Resolution, No. 641, which I hereby certify to be true copies of the original, now on file in this office.

Please distribute among your colleagues.

Respectfully Yours,
MILO CALKIN,
Clerk.

"Preamble and Resolution No. 641, in relation to a State Capitol.

Whereas, Petitions have been presented to this Board, signed by a large portion of the real estate and property owners of this city and county, asking this Board to appropriate the sum of one hundred and fifty thousand dollars in bonds of this city, bearing interest at seven per cent. per annum, and payable in ten years, and to appropriate the use of one of the blocks or squares of the city of San Francisco to the State of California, to be used as a site of the State Capitol, on condition that the Legislature remove the Capitol of the State to this city, the said money to be used in the erection of a State House upon said land. The building and land to remain the property of the State so long as the capitol shall remain in said city, but in case the capitol

be removed from this city, then said property to revert to the city and county of San Francisco.

And, Whereas, This Board do concur in the sentiments of said petitioners; be it therefore

Resolved, That the Legislature be requested to authorize the Board of Supervisors of the city and county of San Francisco to issue bonds to the amount of one hundred and fifty thousand dollars, payable in ten years, bearing interest at the rate of seven per cent. per year, with coupons attached, and to levy and assess upon all taxable property in the said city and county of San Francisco, to pay the annual interest upon the sum of one hundred and fifty thousand dollars. Said bonds to be donated to the State for the use and purposes above expressed. The said assessment to be levied and collected at the first annual levy, assessment, and collection of taxes, by said city and county, after the passage of an act by the Legislature accepting the terms of this resolution and granting the powers above specified.

Resolved, That this resolution be taken as a further and additional offer and tender to that which passed this Board as Resolution, No. 680.

In Board of Supervisors, February seven, one thousand eight hundred and sixty, finally adopted by the following vote:

Ayes—Supervisors Biden, Gates, Young, Tennent, Davies, Johnston, and Randall.

Noes—Supervisors Britton, Brooks, Paxson, Otis.

Approved San Francisco, one thousand eight hundred and sixty.

MILO CALKIN,
Clerk.

H. F. TESCHEMACHER,
President Board of Supervisors."

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crowell, An Act to define the Boundary Line of Yuba County.

Read first and second times, and placed on file.

By Mr. McDermit, An Act to authorize the Construction of Wagon Roads over Mountains, within the State of California, by Joint Stock Companies.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Warner, An Act concerning Partition Fences.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Swan, An Act to amend an Act entitled "An Act to amend 'An Act to regulate proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Wilson, An Act to provide for the better maintenance of the Indigent Sick, of Calaveras County.

Read first and second times, and referred to the Calaveras Delegation.

The following report was made by Mr. Burson, on leave:

Mr. SPEAKER:—The Special Committee, to whom was referred Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal

Cases, have had the same under consideration, and report a substitute, herewith transmitted, and recommend its passage.

L. M. BURSON,
Chairman.

GENERAL FILE.

Senate Bill, No. 129, An Act making an appropriation for Deficiencies, for the eleventh fiscal year, ending the thirtieth day of June, one thousand eight hundred and sixty—considered in Committee of the Whole, reported, and passage recommended, read third time and passed.

Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' License, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 20, An Act for the Relief of D. O. Shattuck—were read third time and passed.

Assembly Bill, No. 144, An Act granting leave of absence from the State to Thomas H. Hanson—House refused to order bill engrossed.

Assembly Bill, No. 120, An Act in relation to Mining Copartnerships—substitute adopted, and placed at the foot of the file.

Mr. Lamar moved to adjourn.

Lost.

Assembly Bill, No. 147, An Act supplemental to an Act entitled "An Act to Incorporate the City of Placerville," approved May seventh, one thousand eight hundred and fifty-nine—ordered engrossed.

Senate Bill, No. 67, An Act to authorize the Courts of Record of this State, to admit Herbert Chileon Jones, as an Attorney and Councelor at Law—read third time and passed.

Mr. Lewis, on leave, introduced a concurrent resolution, granting leave of absence to Thomas H. Hanson, from the State, for six months—which was adopted.

GENERAL FILE RESUMED.

Assembly Bill, No. 84,—recommitted to Sacramento Delegation, with special instruction.

Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 114, An Act to repeal an Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California—were read third time and passed.

Assembly Bill, No. 92, An Act to annex a portion of Tuolumne, Calaveras, and San Joaquin Counties, to Stanislaus County—amendments adopted, and bill ordered engrossed.

Assembly Bill, No. 130, An Act for the Relief of Witnesses in Criminal Cases, in the City and County of Sacramento—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Henry moved to adjourn.

Lost.

Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River, at some point between Front and Seventh Streets, in the City of Sacramento—substitute adopted, further amended, and ordered engrossed.

Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the Seventeenth Judicial District in the County of Plumas;

And, Assembly Bill, No. 153, An Act fixing the time of holding the Court of Sessions and County Court in the County of Sacramento—rules having been suspended, considered engrossed, were read third time and passed.

Assembly Bill, No. 115, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities, in certain Counties in this State—made the special order for Thursday, February sixteenth, at twelve o'clock, M.

Assembly Bill, No. 22, An Act amendatory of, and supplementary to, the "Act defining the rights of Husband and Wife."

Pending the consideration of the bill, on motion of Mr. Warner, at three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 10th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Messrs. Groom and Johnson of Sierra, were absent.

The Journal of yesterday was read and approved.

Mr. Conness presented a petition of citizens of Diamond Springs, for a Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County to Stanislaus County;

Also, Assembly Bill, No. 134, An Act to confirm and legalize the Assessment Roll, or Tax List, of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same;

Also, Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider;

Also, Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth, Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of section four of 'An Act concerning Divorces,'" passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three;

Also, Assembly Bill, No. 132, An Act to amend section two of an Act entitled "An Act to provide for the appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-four.

BEN. T. O'REAR,
For the Committee.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 28, An Act concerning certain acknowledgments of Deeds and other instruments in writing, affecting Real Estate, have carefully examined the same, and report the bill back, and recommend its passage;

Also, Assembly Bill, No. 161, An Act to repeal an Act entitled "An Act to provide for the permanent location of the Seats of Justice of the several Counties of this State," passed April eleventh, one thousand eight hundred and fifty, and all amendments thereto, is herewith reported back, with the recommendation that it pass;

Also, Assembly Bill, No. 139, An Act to amend an Act entitled "An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character," approved April tenth, one thousand eight hundred and fifty-five, is reported back, with certain amendments, with the recommendation that it pass as amended;

Also, Assembly Bill, No. 49, An Act to fix the compensation of the District Attorney of Napa County, is reported back, and its passage recommended.

WILLIAMS,
Chairman.

By Mr. Conness:

Mr. SPEAKER:—The El Dorado Delegation, to whom was referred Assembly Bill, No. 164, in relation to the office of Tax Collector in El Dorado County, had the same under consideration, and report the bill back, recommending its passage.

By Mr. Goodman:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 159, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," report the same back, together with a substitute, and recommend that the bill, with the substitute, be referred to the Committee on Roads and Highways.

L. C. GOODMAN,
ELLIS,
STARR,
WELTY.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 10, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved the following bills and Concurrent Resolutions, viz:

Assembly Bill, No. 54, An Act to extend the time for the collection of State and County Taxes in the Counties of Sonoma, Marin, and Mendocino;

Also, Assembly Bill, No. 112, An Act to change the name of Mary Louisa Muller;

Also, Assembly Bill, No. 8, An Act to amend an Act entitled "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 16, An Act to amend an Act entitled "An Act to provide for the support of the Indigent Sick in Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 74, An Act to fix the compensation of the District Attorney of the County of Contra Costa;

Also, Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect tolls thereon;

Also, Assembly Concurrent Resolution, No. 40, instructing our Senators and requesting our Representatives in Congress to procure from the Federal Government twenty thousand stand of Arms, and four batteries of light and four batteries of heavy Artillery;

Also, Assembly Concurrent Resolution, No. 44, instructing our Senators and requesting our Representatives to use their most earnest endeavors for the establishment of a Daily Mail between Stockton and Mariposa and all intermediate Post-offices;

Also, Assembly Concurrent Resolution, No. 42, instructing our Senators, etc., to procure the passage of An Act to extend the Pre-emption Privilege to actual Settlers on the Public Lands in California, from March third, one thousand eight hundred and sixty, to March third, one thousand eight hundred and sixty-one;

Also, Assembly Concurrent Resolution, No. 29, instructing our Senators, etc., to urge the passage of a law for the formation of a New District from Land Districts Nos. 1 and 3, within this State.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 10, 1860.

To the Honorable the Assembly of California:

I transmit to your Honorable Body a copy of a letter received from S. C. Hastings, under date of February second, one thousand eight hundred and sixty, inclosing the deposition of William H. Pool, which is also herewith transmitted, on the subject of Indian difficulties in Mendocino County.

To the contents of the above mentioned letter and deposition transmitted for the information of your Honorable Body, I would respectfully call your attention.

JOHN G. DOWNEY,
Governor.

BENICIA, February 2, 1860.

GOVERNOR DOWNEY:

I forward this, the deposition of Mr. William Pool, relative to Indian matters, and if your excellency should deem it of sufficient importance, I suggest that the document should be submitted to the House, to whom the Mendocino war matters have been referred.

I have lost more than ten thousand dollars worth of horses and cattle within a few months, by Indian depredations. My herdsmen have been frequently attacked by them and driven in for protection. The man, in whose charge I placed my stock, has been compelled to leave the ranch, and is now living in Ukiah City. The Indians have threatened to kill him and his family, should he remain during the winter months.

Yours truly,

(Signed,) S. C. HASTINGS.

BENICIA, CALIFORNIA, February 2, 1860.

WM. H. POOL, in answer to interrogatories, says:—That he is a citizen of California, and has been here for ten years, and for a greater part of the time has been on the frontiers of the State; that within the past two years he was engaged nine months in the employ of the Central Overland Mail Company, between Stockton, and New Mexico, as Driver and Conductor; that he had several conflicts with the Indians on the line of the route during his connection with the company; that on the seventh day of September, one thousand eight hundred and fifty-nine, he carried dispatches from Gov. Weller to Capt. W. S. Jarboe, in Mendocino County, in command of a squad of men called "Eel River Rangers," raised and organized by the inhabitants of said county for the suppression of Indian depredations; that he enlisted and became a member of said company, and has been actively engaged as a member of said company from that time to its disbandment, (January twenty-fifth, one thousand eight hundred and sixty,) except during the time he was confined by wounds received at the hands of the Indians; that the operations of said company against the Indians were confined to the vicinity of Eden, Round, and Long valleys, and between the waters of North and South Eel rivers; that the said Indians are the most murderous, thieving kind he ever met with; and that they are well armed with bows and arrows; that, from actual observation, and from information and belief, he says that the said Indians have killed and destroyed, from one hundred to one hundred and fifty thousand dollars worth of cattle, horses, hogs, sheep, etc., and that the greater part has been destroyed during the past six months; that every settler in that region has lost more or less stock during the past six months by the depredations of the Indians; that, from personal intercourse with the people living in that country, and from evidence gleaned from other sources, worthy of belief, he has no doubt that from twelve to fifteen white inhabitants of that region have been killed by the Indians within the past two years; that the Indians in that vicinity have been in continual war with the whites ever since the whites first settled in that region, and attack every unarmed, exposed white man they meet with; and that, in all cases, prisoners taken declare it to be their determination, as long as they live, to continue killing white men and their stock; that these Indians live in small bands, in the fastnesses of the mountains, in the immediate vicinity of the white settlements, from whence they come forth in the night time and commit their depredations; that the Indians are inaccessible to the troops of the regu-

lar army, under their mode of warfare, for the reason that they have to be attacked in the night time, as any movement of a body of men in the day time is discovered by them, and they retreat to the inaccessible portions of the mountains and remain concealed; that about the last of September, one thousand eight hundred and fifty-nine, one John Bland, an inhabitant of Round Valley, was murdered by the Indians, the fact being notorious throughout that region; Capt. Jarboe was applied to, to proceed against the Indians and chastise them; before proceeding against them, he applied to Lieut. Dillon, of the United States Army, in command of a detachment of troops in Round Valley, to assist in capturing the Indians engaged in the murder; that he replied that he had no evidence of any depredations being committed upon any persons or property in that country by the Indians, and that he declined to assist, or give aid, to any expedition against them; that Capt. Jarboe, with his command, then proceeded to the scene of the murder, northeast of Round Valley, where he found the body of Bland, horribly mutilated and partially burned up; that they succeeded in capturing some of the Indians, who acknowledged that they had been concerned in the murder of Bland; that the United States troops have never left their quarters in Round Valley, during the past five months to proceed against the Indians, and that had they done so he should have been aware of the fact; that the orders of Capt. Jarboe were very strict and positive not to shoot or kill squaws and children, but to let them escape in all cases, if they could not be captured, and that these orders have been strictly complied with during the time Pool was under his command; that he has been acquainted with the character and matter of the reports forwarded from time to time to Gov. Weller, by Capt. Jarboe, and that they are substantially true and correct; that the prisoners taken by said company were always well treated and provided for, so far as he knows; that the said company have never been fully supplied with the necessaries of life; that he has no interest in that country as the owner of land, or stock, and that he has no further desire or inclination to be employed in that country; that he is suffering from a wound in the thigh, received from the Indians, and that he is unable to engage in any active employment whatever; that two other members of said company of Rangers were severely wounded at the same time he was; Capt. Jarboe was severely wounded in the shoulder by the Indians prior to that time.

WM. H. POOL.

Subscribed and sworn to, before me, this second day of February, one thousand eight hundred and sixty.

C. W. HAYDEN,
Notary Public.

We have known the above William H. Pool for several years, and know him to be a person of good habits, and that full credit should be given to any statement he may make; and believe that no reasonable man who is acquainted with Mr. Pool, will doubt the truth of what may be stated by him.

S. C. HASTINGS,
J. P. WEINMAIN,
PAUL SHIRLEY,
W. F. PEABODY,
W. J. BEDFORD,
T. B. STORY.

Benicia, February 2, 1859.

The preceding message and accompanying documents were referred to the Committee on Indian Affairs.

On motion of Mr. Sawyer, the communication received on yesterday from the Board of Supervisors, of the city and county of San Francisco, was referred to the San Francisco Delegation.

On motion of Mr. Johnson of Sierra, Assembly Bill, No. 165, An Act to define the Boundary Lines of Yuba County, was taken from the files and referred to the Yuba and Sierra Delegations.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Gwinn:

Joint Resolution, Relative to Fraudulent Land Grants.

Read first and second times, and referred to the Committee of the Whole, and made special order for Thursday next, at one o'clock—vote reconsidered, and resolution referred to Committee on Public Lands.

The resolution offered on yesterday to change the order of business, was taken up and lost.

The resolution offered on yesterday, by Mr. Rodgers of Tuolumne, to abolish the Committee on Counties and County Boundaries, was laid on the table.

By Mr. Lawrence:

Resolved, that this Assembly take a recess every day from one o'clock, to two o'clock.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Thursday, February 9th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning Courts of Justice in this State, and Judicial Officers, and 'An Act amendatory thereof'" approved April thirteenth, one thousand eight hundred and fifty-one;

Also, Senate Bill, No. 99, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 98 and 99, above reported, were read first and second times, and referred to the Judiciary Committee.

Mr. Tilton gave notice of the introduction of a bill for An Act to allow Charles Pearce, to take the name of Charles Cheeswick Howard.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sawyer, An Act to authorize the formation of Joint Stock Associations, for Savings, Deposit, and Discount.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

By Mr. Hundley, An Act to amend an Act entitled "An Act to provide for the protection of Foreigners, and to define their Liabilities and Privileges.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Babcock, An Act to prevent the Stealing of Dogs.

Read first and second times, and referred to Special Committee, viz: Messrs. Babcock, Crowell, Welty, and Yancey.

By Mr. Welty, An Act to amend Article 907 of the Practice Act, as compiled in Wood's Digest;

Also, An Act supplemental to an Act entitled "An Act to authorize the sale of certain Real Estate, by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to Judiciary Committee.

Also, An Act to amend Section thirty-five, of an Act entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to incorporate the City of Sacramento and the several acts amendatory thereto, and to incorporate the City and County of Sacramento,'" approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Dunlap, An Act concerning the office of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fix their compensation for the County of El Dorado.

Read first and second times, and referred to the El Dorado Delegation.

Mr. Smith of Nevada moved a call of the House.

Lost.

GENERAL FILE.

Assembly Bill, No. 22, An Act amendatory of, and supplementary to, the "Act defining the right of Husband and Wife."

Recommitted to the Engrossing Committee;

Also, Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County, to Stanislaus County;

Also, An Act to confirm and legalize the Assessment Roll or Tax List of Calaveras County, for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same, were read third time and passed.

Also, Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines or Cider.

Mr. Maxson moved to recommit the bill to the Judiciary Committee, with special instructions.

Lost.

Mr Lawrence moved to recommit to the Committee on Agriculture, with instructions.

Lost.

Mr. Williams moved to recommit to Special Committee, consisting of Messrs. Conness, Theller, Warner, Welty, and Ellis, with instructions to report a substitute.

Carried.

Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 132, An Act to amend section second of an Act entitled "An Act to provide for the appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of section four of 'An Act concerning Divorces,'" passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three;

Also, Assembly Bill, No. 129, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as the Counties of Trinity and Butte are concerned—read third time and passed.

Assembly Bill, No. 103, An Act for the relief of Moses Haynes for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas at La Porte, Sierra County—read third time, and on its passage Messrs. Conness, Bailey of Santa Clara, and O'Connor, demanded the ayes and noes, and the bill was lost by the following vote:

Ayes—Messrs. Babcock, Beach, Bowman, Curtis, Daggett, Dunlap, Ellis, Goodman, Gwinn, Hayes, Hundley, Lambert, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Starr, Walden, Welty, Wescott, Williams, and Yancey—24.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Burson, Campbell, Conn, Conness, Covarrubias, Halsted, Hammond, Harville, Hawley, Hugg, Jenkins, Johnson, King, Lamar, Lawrence, Lewis, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Stevenson, Stone, Swan, Warner, White, Wilson, and Mr. Speaker—32.

Mr. Johnson of Sierra gave notice of reconsideration.

Assembly Bill, No. 141, An Act to regulate the fees of officers in Sierra County—amendments adopted and bill ordered engrossed.

At quarter past two o'clock, P. M., Mr. O'Connor moved that the House adjourn.

Lost.

Mr. O'Connor moved a call of the House, which was sustained, and Messrs. Groom, Laspeyre, Pate, Patten, Shattuck, Stone, Tilton, and Yager were absent.

The Sergeant-at-Arms proceeded to bring in the absentees.

Mr. Rogers of San Francisco moved to dispense with further proceedings under the call.

Lost.

Mr. Stone appeared at the bar of the House and was admitted.

Mr. Shannon moved to dispense with further proceedings under the call.

Lost.

Mr. Tilton was excused.

Mr. Conness moved to dispense with further proceedings under the call.

Lost.

Mr. Johnson of Sierra moved to dispense with further proceedings under the call.

Carried.

At half past two o'clock, P. M., on motion of Mr. Lamar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 11th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Messrs. Compbell, Goodman, Gwinn, King, and Yancey, were absent.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented, as follows:

By Mr. Laspeyre, Of citizens of San Joaquin County, against the creation of Mokelumne County.

Referred to the San Joaquin and Sacramento Delegations.

By Mr. Bailey of Tuolumne, Of citizens of Chinese Camp, in relation to Attachment Law.

Referred to the Judiciary Committee.

By Mr. O'Rear, Of citizens of Camptonville, for a Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 48, An Act to appropriate money to pay J. W. Lockwood;

Also, Senate Bill, No. 45, An Act to audit and allow the claim of Britton & Rey, have had the same under consideration, and would respectfully report the same back, and recommend their passage.

E. A. STEVENSON,
Chairman.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate Bill, No. 68, An Act to change the name of William C. Perry to that of William C. Miller, is reported back, and its passage recommended.

Your committee have also examined Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Clerks, and Servants, orphan and half orphan children under their care and tuition, and report the same back, amended, and recommend its passage as amended;

Also, Assembly Bill, No. 152, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed

May first, one thousand eight hundred and fifty-nine, is reported back herewith, with the recommendation that it do not pass.

The committee have also had under consideration Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four, and report the bill back, amended, and recommend its passage as amended;

Also, Senate Bill, No. 99, An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one, is reported back amended, with the recommendation that it pass as amended.

WILLIAMS,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at private sale;

Also, Assembly Bill No. 62, An Act to prohibit Gaming;

Also, Assembly Bill, No. 147, An Act supplementary to an Act entitled "An Act to Incorporate the City of Placerville," approved May seventh, one thousand eight hundred and fifty-nine;

Also, Substitute for Assembly Bill, No. 130, An Act for the relief of Witnesses in Criminal Cases in the City and County of Sacramento;

Also, Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the District Court in the County of Plumas."

Also, Assembly Bill, No. 22, An Act amendatory of, and supplementary to, "An Act defining the Rights of Husband and Wife."

BEN. T. O'REAR,
For the Committee.

By Mr. Shelton:

Mr. SPEAKER—Your Committee on Indian Affairs, to whom was referred the substitute for Assembly bill No. 34, entitled An Act to appropriate money to be used by the Governor in furnishing supplies for the use of any Volunteer Force which he may call out to suppress Indian hostilities in the Counties of Mendocino and Humboldt, together with letters and papers pertaining to the late Indian war in said counties, and commonly known as the "Jarboe War," would respectfully report:

That we have carefully and dilligently investigated the subject referred to us for consideration; have examined the papers, and find a number of petitions purporting to come from citizens of Long and Eden valleys, in aforesaid counties, bearing date from April to September, one thousand eight hundred and fifty-nine, and calling on the Governor of the State for aid and protection to their lives and property from bands of hostile Indians; setting forth at the same time depredations which had been recently committed in that section, and in answer to this call of citizens of Mendocino and Humboldt counties, we find by papers referred to your committee, that Governor Weller, in order to suppress the depredations complained of at that time, did, on the sixth day of September, one thousand eight hundred and fifty-nine, authorize Capt. W. S. Jarboe to muster into the

service of the State twenty men, accustomed to Indian warfare and frontier life, and armed with rifles, to proceed against the hostile Indians, with instructions "That your operations must be strictly confined to those who are known to have been engaged in killing the stock and destroying the property of our citizens."

He also wrote to Capt. Jarboe, under date of September twenty-five, one thousand eight hundred and fifty nine: "The information I have received, satisfies me that only a small band of those Indians are engaged in committing outrages upon our citizens. An indiscriminate warfare against the whole tribe, would not be justified by the facts now in my possession, and that your (Jarboe's) company was organized to protect the lives and property of the citizens in certain localities, and not to wage a war of extermination against the Indians."

Under these instrutions, and by authority of a commission from Governor Weller, Captain Jarboe mustered into the service of the State of California, "twenty men armed with rifles and accustomed to Indian warfare and frontier life." That Jarboe transgressed the instructions given to him by Governor Weller, is a fact that necessarily forces itself on the minds of your committee, and by his own reports seems rather to have waged a war of extermination against the Indians generally, than to have strictly confined his operations against the guilty; and the mind of Governor Weller seems to have been impressed with this fact, for we find by papers referred to us, that he, under date of October twenty-five, writes to Captain Jarboe thus: "Your communication of the sixteenth instant has been received, and in consequenc of some information which I have received from Mendocino County, I must again call your attention to my instructions of the eighth of September. Your company was organized to protect the lives and property of the citizens of certain localities, and not to wage a war of extermination against the Indians. You will therefore place your command on the defensive, and take care that none but the guilty are punished. I cannot believe that the great body of Ukias have been engaged in committing outrages upon the whites." So your committee, after deliberately considering the papers referred to us, connected with the Jarboe War, would respectfully report as follows:

First—That it appears to the minds of your committee that there never was sufficient cause for prosecuting a war of extermination against the tribes of Indians in Mendocino and Humboldt counties, as waged by the force under the command of Jarboe.

Second—That the Indians in or near Long and Eden valleys, in said counties, driven by repeated outrages of a few bad and designing white men from the valleys, their usual place of abode, have taken refuge in the almost inaccessible mountains surrounding, and without means of sustenance, and driven to starvation, have doubtless killed the stock of citizens living in the valleys, but that they have committed all the depredations of which they have been accused, your committee do not believe.

Third—Acknowledging that there were sufficient causes for the late war headed by Jarboe, it appears to the mind of your committee that those causes had been satisfactorily quieted, and they no longer exist, for your committee find that Governor Weller, on January fifth, one thousand eight hundred and sixty, writes to Captain Jarboe as follows: "Having accomplished all that was desired, when the force under your command was organized, you will please disband the force called out under orders of the sixth and eighth of September last."

Fourth—Since the disbandment of the force commanded by Jarboe, your committee have no evidence that there have been any depredations com-

mitted, whatever, by the Indians in and around Long and Eden valleys, and if there have been or may be, we are assured by a letter from General Clarke, commander of the Pacific Division of United States Army, to Governor Downey, bearing date January twentieth, one thousand eight hundred and sixty, that "I (he) have troops (Federal) sufficient and ready to move to any parts where their services are required for protecting the lives and property of citizens in this State."

Fifth—It is the opinion of your committee that the commander of the Pacific Division of the United States Army, and not the Legislature of this State, is the proper and legitimate source to apply for aid and protection against Indian hostilities. If he is unable or unwilling to give the desired aid, then it is time for the Legislature to make laws appropriating money out of the treasury to suppress Indian hostilities.

Sixth—That it is also an evident fact to the minds of your committee, that so long as the Legislature of this State makes annual appropriations out of the treasury for the suppression of periodical Indian hostilities in certain localities, just so long will these hostilities continue, and will they be called upon to do so.

So your committee beg leave to recommend the substitute for Assembly Bill No. 34 be indefinitely postponed.

There has been referred to your committee certain reports from officers in command of the federal forces in the counties of Mendocino and Humboldt, making charges of so grave and personal a nature against settlers of said counties, that your committee beg leave to report the same back to this House without comment, but would suggest the propriety to the House of sending a joint committee to investigate the matter.

H. A. SHELTON,
Chairman,
CONNESS,
PHELPS,
CHAS. McDERMIT,
W. A. CONN.

By Mr. Shelton:

Mr. SPEAKER:—Your Committee on Indian Affairs, to whom was referred Assembly Bill, No. 65, entitled "An Act amendatory of an Act entitled 'An Act for the Government and Protection of Indians,'" passed April twenty-second, one thousand eight hundred and fifty, would respectfully report the same back, and recommend its passage as amended.

SHELTON,
Chairman.

By Mr. Bell:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 125, An Act amendatory of Section One of "An Act concerning Roads and Highways," passed April twenty-eighth, one thousand eight hundred and fifty-five, have considered the same, and report the bill back, and recommend its passage.

JOHN C. BELL,
Chairman.
P. A. GALLAGHER,
JAMES LAMBERT.

By Mr. Babcock:

Mr. SPEAKER:—The committee, to whom was referred Assembly Bill,

No. 171, would report that they have duly considered the subject matter, and recommend that the bill pass as amended. Your committee is informed that a system of stealing dogs, is being practiced in many parts of this State by idle vagabonds, for the sole purpose of taxing their owners with a sum of money, as reward for their recovery.

Although dogs are not so far regarded *property* as to be taxed as personal property, yet the courts have long since decided that an action of replevin may be maintained for the recovery of the possession of dogs, as also, trespass for wilful injury to them. Your committee can see no good reason why their owners should not be protected in their right of possession, as well as any property they may have acquired.

From the earliest dawn of civilization, to the present, the dog has been the constant, vigilant, and most servile friend of man—constituting the lock and key to his most valuable treasures, as well as the protector and guardian of his person and property—it is therefore but natural that their masters and owners should seek, at the hands of the law-making power, such needful protection to their use and service, as is contemplated by this bill.

BABCOCK,
Chairman.

By Mr. Sawyer:

Mr. SPEAKER:—The delegation from the city and county of San Francisco, to whom was referred Assembly Bill, No. 163, entitled "An Act to confer Further Powers upon the Board of Education, and the Auditor, and Treasurer, of the City and County of San Francisco;"

Also, Amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty, entitled "An Act to confer Further Powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," have had the same under consideration, and have directed me to report the same back, with amendments, and to recommend its passage as amended.

SAWYER,
For the Delegation.

Also, by Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 146, An Act in relation to the Mountain Lake Water Company, have considered the same, report it back, and recommend its passage.

FREDERICK A. SAWYER,
For the Delegation.

By Mr. Smith of Nevada:

Mr. SPEAKER:—The Nevada Delegation have had under consideration the following bills, heretofore referred to them, and report as follows: Senate Bill, No. 54, entitled An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine;

Also, An Act supplementary to, and explanatory of, said Act; the delegation recommend that it be amended by striking out section two, and that when so amended it pass;

Also, Assembly Bill, No. 104, entitled An Act concerning Roads and Highways, in the County of Nevada, the delegation recommend that it

be amended by striking out section nineteen, and that when so amended it pass.

C. F. SMITH,
For the Delegation.

Mr. Johnson of Sierra moved to reconsider the vote by which the House on yesterday refused to pass Assembly Bill, No. 103, An Act for the relief of Moses Haynes for the apprehension of Peter Lombard, charged with the murder of Thomas H. Lucas at La Porte, Sierra County.

Upon which Messrs. Conness, Smith of Sutter, and Conn demanded the ayes and noes, and the House agreed by the following vote :

Ayes—Messrs. Babcock, Beach, Bell, Bowman, Crowell, Curtis, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Gwinn, Haliday, Hayes, Howe, Hundley, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lovell, McDermit, Pate, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Theller, Welty, Wescott, Wilson, Yager, and Yancey—40.

Noes—Messrs. Bailey of Tuolumne, Burson, Campbell, Conn, Conness, Halsted, Hammond, Harville, Hawley, Hugg, Jenkins, King, Lewis, Makins, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Stevenson, Stone, Swan, Warner, Watson, White, Williams, and Mr. Speaker—26.

Mr. Conn moved a call of the House.

Lost.

Mr. Howe moved the previous question.

Lost.

On the passage of the bill Messrs. Conness, Burson, and Lawrence, demanded the ayes and noes, and the bill was lost by the following vote :

Ayes—Messrs. Beach, Bell, Bowman, Crowell, Curtis, Daggett, Dunlap, Ellis, Fairchild, Gwinn, Hayes, Henry, Howe, Hundley, Johnson of Sierra, Lambert, Laspeyre, Pate, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Starr, Theller, Walden, Welty, and Wescott—30.

Noes—Messrs. Bailey of Santa Clara, Burson, Campbell, Conn, Conness, Covarrubias, Haliday, Halsted, Hammond, Harville, Hawley, Hugg, Jenkins, King, Lamar, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Shattuck, Shelton, Stevenson, Stone, Swan, Warner, Watson, White, Williams, Wilson, Yager, and Mr. Speaker—36.

Mr. Lamar offered concurrent resolution, providing for the appointment of Special Committee on Indian Affairs.

Mr. Patten moved to lay the resolution on the table.

Messrs. Lamar, Beach, and Burson, demanded the ayes and noes, and the House refused by the following vote :

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Ellis, Gwinn, Harville, Hawley, Henry, Howe, Jenkins, Lewis, Makins, O'Connor, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Stone, Walden, and Mr. Speaker—19.

Noes—Messrs. Babcock, Beach, Bell, Bowman, Burson, Conn, Conness, Covarrubias, Crowell, Curtis, Daggett, Dunlap, Fairchild, Gallagher, Haliday, Halsted, Hammond, Hayes, Hugg, Hundley, Johnson of Sierra,

King, Lamar, Lambert, Laspeyre, Lawrence, Lovel, McDermit, O'Rear, Pate, Phelps, Schmidt, Shattuck, Shelton, Smith of Nevada, Starr, Stevenson, Swan, Theller, Walden, Warner, Welty, Wescott, Williams, Wilson, Yager, and Yancey—48.

Mr. Henry moved to strike out "three" and insert "one."

Lost.

Mr. Shannon moved to strike out "three" and insert "two."

Lost.

Mr. Shannon offered the following amendment:

Strike out all after the word "Resolved" and insert, "That the Committee on Indian Affairs, shall have power to send for persons and papers."

Withdrawn.

Mr. Rodgers of Tuolumne, offered the following amendment:

Provided, that no member of the Committee on Indian Affairs, be appointed.

Mr. Smith of Nevada, moved the previous question, which was sustained.

On the amendment offered by Mr. Rodgers, Messrs. Burson, Conness, and Schmidt, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Bell, Curtis, Fairchild, Gwinn, Hawley, Henry, Howe, Laspeyre, Lewis, Patten, Rodgers of Tuolumne, Stone, Walden, and Yancey—16.

NOES—Messrs. Bowman, Burson, Campbell, Conn, Conness, Crowell, Dunlap, Ellis, Gallagher, Haliday, Halsted, Hammond, Harville, Hundley, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovel, Makins, McDermit, O'Connor, O'Rear, Pate, Rogers of San Francisco, Schmidt, Shannon, Shelton, Smith of Nevada, Starr, Stevenson, Swan, Theller, Welty, Wescott, White, Wilson, and Yager—38.

On the adoption of the resolution, Messrs. Howe, Kungle, and Beach, demanded the ayes and noes, and the resolution was adopted by the following vote:

AYES—Messrs. Beach, Bell, Bowman, Burson, Campbell, Conn, Conness, Crowell, Curtis, Daggett, Dunlap, Fairchild, Gallagher, Halsted, Hammond, Hawley, Howe, Johnson of Sierra, Lamar, Lambert, Lawrence, Lovel, McDermit, O'Rear, Pate, Schmidt, Shelton, Smith of Nevada, Starr, Stevenson, Swan, Theller, Warner, Welty, Wescott, White, Williams, Wilson, Yager, and Yancey—39.

NOES—Messrs. Bailey of Santa Clara, Ellis, Gwinn, Harville, Hayes, Henry, Hundley, Kungle, Lewis, Makins, O'Connor, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Stone, Walden, and Mr. Speaker—18.

By Mr. Laspeyre:

Resolved, That the Committee on Indian Affairs be instructed to examine thoroughly into all matters connected with the Kibbe Expedition, against the Pitt River Indians, during the past summer, and that they be required to make a full report on the Indian War, and other subjects of a similar character, embodied in the report of that officer.

Lost.

At ten minutes past two o'clock, P. M., on motion of Mr. Beach, the House adjourned to Monday morning, at eleven o'clock.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 13, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
The following members were absent, viz: Messrs. Covarrubias, Crowell, Goodman, Groom, Halsted, Hugg, Jenkins, Kungle, Phelps, Shattuck, Shelton, Smith of Sutter, and Stone.
Leave of absence was granted as follows, viz: Messrs. Stone, Halsted, Shelton, Shattuck, and Kungle, indefinite leave; Messrs. Goodman, Jenkins, and Covarrubias, two days each; Messrs. Smith of Sutter, Babcock, Phelps, Crowell, and Hugg, for one day each.
The Journal of Saturday was read and approved.
Mr. Shannon offered the following resolution:

Resolved, That the Hon. Phil. Moore be, and he is hereby, granted leave of absence for three days, and that the House now proceed to the election of Speaker, *pro tem.* to serve, during his absence, in that capacity.

Adopted.
Mr. Lamar nominated Mr. Stevenson.
Mr. Pate nominated Mr. Laspeyre.
Mr. Yancey nominated Mr. Howe.
Mr. Laspeyre withdrew his name.
The vote was then taken, with the following result:

Names.	Stevenson.	Howe.
Bailey of Santa Clara	1	
Bailey of Tuolumne		1
Bell	1	
Bowman		1
Burson	1	
Campbell	1	
Conn	1	
Conness	1	
Curtis	1	
Daggett	1	
Dunlap	1	
Ellis	1	
Fairchild	1	
Gallagher	1	
Gwinn		1
Haliday		1

Names.	Stevenson.	Howe.
Hammond	1	
Harville		1
Hawley	1	
Hayes	1	
Henry		1
Heston		1
Hundley		1
Johnson of Amador	1	
Johnson of Sierra		1
King	1	
Lamar		1
Lambert	1	
Laspeyre		1
Lawrence	1	
Lewis		1
Lovel	1	
Makins	1	
Maxson		1
McDermit		1
O'Connor	1	
O'Rear		1
Pate	1	
Patten	1	
Rogers of San Francisco	1	
Rodgers of Tuolumne		1
Sawyer		1
Schmidt	1	
Shannon		1
Shelton	1	
Smith of Nevada	1	
Starr	1	
Stevenson	1	
Swan		1
Theller	1	
Walden		1
Warner	1	
Watson	1	
Welty	1	
Wescott;	1	
White	1	
Wilkins	1	
Williams	1	
Wilson		1
Yager	1	
Yancey		1
Totals	39	22

Messrs. Laspeyre and Welty were appointed a committee to conduct Mr. Stevenson to the chair.

The oath of office was administered to Mr. Stevenson by the Speaker.

PETITIONS.

Petitions were presented as follows:

By Mr. Lamar, Of citizens of Mendocino County in relation to Indian difficulties.

Laid on table.

By Mr. McDermit, Of citizens of Siskiyou County for Sunday Law.

Referred to Committee on Public Morals.

By Mr. Laspeyre, Of citizens of Knights' Ferry for Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Stevenson:

Mr. SPEAKER:—The Committee on Claims, to whom was referred an account of William Greenhood, for translating certain Laws and Resolutions into the Spanish language in the year one thousand eight hundred and fifty-nine, respectfully report it back, with the accompanying bill, and recommend its passage.

STEVENSON,
Chairman.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly Bills, and found them correctly engrossed:

Assembly Bill, No. 153, An Act fixing the time of holding the Court of Sessions and County Court in the County of Sacramento;

Also, substitute for Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River at some point between Front and Seventh Streets, in the City of Sacramento.

BEACH,
Chairman.

By Mr. Conness:

Mr. SPEAKER:—The undersigned, a Special Committee, to whom was referred Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider, with instructions to report a substitute, have had the same under consideration and submit the following, which is recommended as an amendment for all after the enacting clause of Bill 57, herewith reported.

CONNESS,
D. W. WELTY,
J. J. WARNER,
R. B. ELLIS,
SAMUEL L. THELLER.

Mr. Daggett offered the following resolution:

Resolved, That the fifth article in the order of business, viz: "Motions and Resolutions," be placed last in order.

Adopted.

On motion of Mr. Lawrence, the rules were suspended and the resolu-

tion relative to recess of the House from half past twelve to one o'clock, P. M., was taken from the table and lost.

On motion of Mr. Laspeyre, the following bills were taken from the file, viz: Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four.

Amendments adopted, read third time, and passed.

Also, Senate Bill, No. 99, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one.

Amendments adopted, read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, February 11th, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 112, An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohen, deceased, to sell certain Real Estate in Butte County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 112, above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
Saturday, February 11th, 1860.

Mr. SPEAKER:—The Senate adopted, on yesterday, substitute for Assembly Concurrent Resolution, No. 43, Relative to proposed Amendments to the Constitution;

Also, have concurred in Assembly Concurrent Resolution, No. 49, Relative to leave of absence to Thomas H. Hanson, with amendments.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Substitute for Assembly Concurrent Resolution, No. 43, above reported.

Also, Assembly Concurrent Resolution, No. 49, above reported.

SENATE CHAMBER,
Saturday, February 11th, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 111, An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax, for building purposes;

Also, Senate Bill, No. 115, An Act to change the time of holding the Court of Sessions and County Court, in the County of Placer;

Also, Senate Bill, No. 35, An Act to appropriate money to pay William T. Barbour.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 111 and 115, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 35, read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sawyer, An Act to authorize the Board of Supervisors of the City and County of San Francisco to issue bonds to the amount of one hundred and fifty thousand dollars, to be donated to the State of California, for the erection of a State Capitol at San Francisco.

By Mr. Daggett, An Act for the relief of John T. Casey, County Treasurer of Klamath County.

By Mr. Warner, An Act to provide for the protection, care and government of the Indians throughout the State.

By Mr. Bailey of Tuolumne, An Act amendatory of, and supplementary to, an Act entitled "An Act to define the time for commencing Civil Actions;"

Also, An Act to authorize Otis Greenhood, Administrator of the Estate of Joel Allen, deceased, to sell Real Estate at private sale;

Also, An Act to authorize the Board of Trustees of the City of Sonora to levy a Special Tax for the benefit of the Fire Department of said City;

Also, An Act to amend section first of "An Act to provide Revenue for the Support and Government of this State."

By Mr. Johnson of Sierra, An Act to appropriate money for the relief of Moses Haynes.

By Mr. Wescott, An Act to amend "An Act to Incorporate the City of Marysville," approved March third, one thousand eight hundred and fifty-seven.

By Mr. Gwinn, An Act to establish the Rule of Evidence to be observed by the Courts of this State in certain cases, in regard to the Title to Lands.

By Mr. Lamar, An Act to amend the one hundred and eleventh section of the Revenue Act.

The Speaker announced as the Committee on Assembly Concurrent Resolution, No. 51, Messrs. Lamar, Conness, and Shelton.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers of San Francisco, An Act for the relief of William H. Brown.

Read first and second times, and referred to the Committee on Claims.

By Mr. Ellis, An Act to appropriate money for the payment of a claim held by B. F. Hastings.

Read first and second times, and referred to the Committee on Claims.

By Mr. Burson, An Act to amend "An Act to define the Boundaries and provide for the Organization of Mendocino County," approved March eleventh, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Maxson, An Act supplementary to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the San Mateo Delegation.

By Mr. Williams, An Act to provide for the correct Reports and Publication of the Decisions of the Supreme Court.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welty, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Pate, An Act concerning the offices of Tax Collector and Treasurer of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Johnson of Sierra, An Act to repeal the ninth chapter of "An Act concerning Corporations," approved April twenty-second, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill, No. 22, An Act amendatory of, and supplementary to, "An Act defining the Rights of Husband and Wife—read third time, and on its passage, Messrs. Warner, Rogers of San Francisco, and Schmidt, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Campbell, Conness, Crowell, Curtis, Ellis, Fairchild, Gallagher, Hundley, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Maxson, O'Rear, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Smith of Nevada, Starr, Stevenson, Swan, Theller, Walden, Warner, Watson, Wescott, Williams, and Yancey—33.

Noes—Messrs. Burson, Conn, Gwinn, Haliday, Hammond, Harville, Hawley, Hayes, Henry, Howe, King, Lewis, Lovel, Makins, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Welty, Wilkins, Wilson, and Yager—22.

Mr. Warner gave notice of reconsideration.

Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American Fork River, at or near the foot of D Street, north, in the City of Sacramento—

Mr. Johnson of Amador moved to lay the bill on the table.

Lost.

Title amended, bill read third time, and passed.

Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty—referred to the Judiciary Committee.

Assembly Bill, No. 147, An Act supplementary to an Act entitled "An Act to Incorporate the City of Placerville, approved May seventh, one thousand eight hundred and fifty-nine—read third time and passed.

Mr. Lamar moved to adjourn.

Lost.

Assembly Bill, No. 154, An Act to fix the compensation of the County Judge, and District Attorney of Sierra County—rules suspended, considered engrossed, read third time, and passed.

Mr. Crowell moved to adjourn.

Lost.

Mr. Lamar moved a call of the House.

Lost.

Assembly Bill, No. 115, An Act to protect Female Children under seventeen years of age—ordered engrossed.

Assembly Bill, No. 157, An Act to provide for settling the Boundary Line between the Counties of Sierra and Plumas—amendments adopted and ordered engrossed.

At half-past two o'clock, P. M., on motion of Mr. Maxson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 14th, 1860.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the Chair.

Roll called.

The following members were absent, viz: Messrs. Daggett, Johnson of Sierra, Pate, Welty, and Yancey.

Mr. Patten had indefinite leave of absence, and Mr. Pate for two days.

The Journal of yesterday was read and approved.

Mr. Maxson presented a memorial of citizens of San Mateo County, relative to law in relation to Water Companies.

Referred to San Mateo Delegation.

Mr. Fairchild, presented memorial of citizens of El Dorado County for Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Warner:

Mr. SPEAKER:—Your committee, to which was referred Assembly Bill, No. 46, concerning Estray Animals, have had the same under consideration, and having examined the various laws enacted upon the same subject, at different sessions of the Legislature, report the said bill back, accompanying it with a substitute, in which it has been sought to retain the necessary provisions of existing laws, as well as to incorporate such new provisions as appear desirable. The substitute proposes to repeal all existing laws respecting estrays.

It has been the endeavor of your committee to make a distinction between estray animals and such as commit a trespass by breaking through lawful fences. Your committee recommend the passage of the substitute.

Your committee have also had under consideration Assembly Bill, No. 109, and report the same back and recommend its passage.

WARNER,
Chairman.

By Mr. Theller:

Mr. SPEAKER:—The Committee on Enrollment have examined, and

found correctly enrolled, substitute for Assembly Bill, No. 66, An Act for the payment of the Current and Necessary Expenses of the Pacific Railroad Convention;

Also, Assembly Concurrent Resolution, No. 47, Relative to donating Public Lands to actual Settlers.

SAM'L L. THELLER,
Chairman.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, from February seventh, to the fourteenth, and find it as follows:

Character of Work.	Folios.	Amount per Folio.	Amount.
Journal and Appendix	928	15 cts.	$139 20
Copying for Printing	3,367	10	336 70
Totals	4,295		$475 90

CHAS. McDERMIT,
Chairman.

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant in favor of J. M. Anderson, for the sum of four hundred and seventy-five dollars and ninety-hundredths, payable out of the Copying Fund of the Assembly.

Adopted.

By Mr. Maxson:

Mr. SPEAKER:—The delegation from San Mateo County, to whom was referred Assembly Bill, No. 179, An Act supplementary to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight, most respectfully report the same back, and recommend its passage.

WM. B. MAXSON,
San Mateo County.

By Mr. Harville:

Mr. SPEAKER:—The undersigned, members of the Assembly Committee on State Hospitals, having, in company with the Senate committee, visited the Insane Asylum at Stockton, respectfully submit the following report:

Upon approaching the buildings of the asylum, the eye of the visitor is charmed by the neat and and tasty appearance of the grounds, which but very recently were lying in their crude and natural state; now, the rough places are made plain; an unsightly slough has been filled up; basins, fountains, and hydrants, are arranged for summer use, and grav-

cled walks, and grassy plats, with flowers, and ornamental trees, and shrubs, judiciously placed to please the discerning eye. Your committee were informed that the labor to accomplish this has been performed by patients of the institution, under the direction of the Resident Physician.

Upon visiting the several apartments of the asylum, your committee were highly pleased with the perfect cleanliness of every department, and the order and decorum observed among the inmates, both patients and keepers. One thing particularly strikes the observer with pleasant emotions. The patients, with a single exception, (and he is a raving maniac,) seem to meet the Resident Physician, Dr. Aylett, with the affection and respect of well governed children for a parent. Although it is plainly evident that the building was not originally constructed for an Insane Asylum, yet your committee cheerfully award all praise to the present management for the judicious police and sanitary arrangements, for the health and comfort of the unfortunate inmates. The books are kept neatly and correctly, and in a manner easily to be understood. In short, upon a thorough examination of the asylum and its management, in all its departments, your committee are of opinion that it would be difficult to improve upon the same, short of the erection of new buildings, upon plans better adapted for the purpose, and that of course, we do not recommend at the present. Upon the grounds, is a very good steam engine, which is used for pumping water and sawing wood. It is now covered with a very ordinary shed of boards. Your committee are of opinion that a small appropriation, for the purpose of erecting an engine house and carpenter's shop should be made; and for the purpose of having the institution properly arranged for the more improved methods of ventilation, lighting, and heating, we would recommend that a competent Architect, whose pay shall be fixed, be appointed, to submit plans to the Board of Trustees, and that a sum be appropriated, as a Contingent Fund, to carry out said plans, and for no other purpose. Believing that the establishment of a dairy, to be connected with the asylum would materially reduce the expenses thereof, and conduce to the health and comfort of its inmates, we would recommend an appropriation of one thousand dollars for the purchase of cows, to belong to, and be cared for as other property belonging to the Asylum, and that no other improvements are necessary for this year.

J. W. HARVILLE,
A. J. KING,
J. WESCOTT.

Ordered printed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Monday, February 13th, 1860.

Mr. SPEAKER:—The Senate this day have concurred in Senate amendments to Senate Bill, No. 99, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases;"

Also, Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four;

Also, have passed Assembly Bill, No. 134, An Act to Confirm and Legalize the Assessment Roll, or Tax List, of Calaveras County, for the year one thousand eight hundred and fifty-nine, and to authorize the Collection of the same, with an amendment as an additional section;

Also, have adopted Assembly Concurrent Resolution, No. 51, Relative to Indian Difficulties in Mendocino County, and have appointed as committee on the part of the Senate, Messrs. O'Farrell, Egon, and Dickinson.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 134, above reported.

SENATE CHAMBER,
Tuesday, February 14th, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight, with amendments;

Also, Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions, in the County of Nevada;

Also, Assembly Bill, No. 110, An Act to grant the right to Convey Water in pipes, to supply the inhabitants of the town of Red Bluff;

Also, Assembly Bill, No. 155, An Act to legalize the official acts of Hirman R. Hawkins and James T. Stewart, as County Clerks of Placer County;

Also, Assembly Bill, No. 158, An Act to extend the time for the collection of Taxes in the County of Plumas, with amendments;

Also, Assembly Bill, No. 145, An Act to authorize the Board of Supervisors of Siskiyou County, to transfer certain Funds, with amendments;

Also, have refused to pass Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones, to Franklin Ralph.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Amendments to Assembly Bills, Nos. 98, 145, and 158, above reported.

SENATE CHAMBER,
Tuesday, February 14th, 1860.

Mr. SPEAKER:—The Senate on Saturday, passed Senate Bill, No. 127, An Act to change the name of Robert Goodwin, to that of Robert Henry Wright;

Also, Senate Bill, No. 131, An Act to change the name of Andrew Jackson Knecttle, to Andrew Jackson Brewer;

Also, Senate Bill, No. 121, An Act to provide for the building of a Turnpike, or Graveled Road, in Santa Clara County;

Also, have concurred in Assembly Concurrent Resolution, No. 35, Relative to a Mail Route from Sonora, California, to Monoville, Washington Territory.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 127, above reported, read first and second times—rules suspended, read third time, and passed.

Senate Bill, No. 131, above reported, read first time.

Senate Bill, No. 121, above reported, read first and second times, and referred to Santa Clara Delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Claims, An Act to compensate William Greenhood, for Translating certain Laws and Resolutions, of the Tenth Session of the Legislature in the Spanish Language.

Read first time.

By Mr. Rogers of San Francisco, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Wilkins, An Act to provide for the Construction of a Railroad, from a point on Petaluma Creek, into the City of Petaluma, and for the right of way for the same.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Tilton, An Act to change the name of Charles Pearce, to Charles Greenwich Howard.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Crowell, An Act to create a Special School Fund, and to provide for the collection of the same.

Read first time.

By Mr. Lamar, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County."

Read first and second times, and referred to Judiciary Committee.

Also, An Act amendatory of an Act entitled "An Act to amend 'An Act to provide Revenue for the support of the Government of this State,'" passed May fifteenth, one thousand eight hundred and fifty-four, approved April seventeenth, one thousand eight hundred and fifty-five.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Bailey of Tuolumne, An Act to authorize the sale of the Real Estate of the late Joel Allen, deceased.

Read first and second times and referred to the Tuolumne Delegation.

On motion of Mr. Conness, the rules were suspended to enable Mr. Starr to present a remonstrance of citizens of Sacramento County against the creation of new county.

Referred to San Joaquin and Sacramento Delegations.

Mr. Tilton presented a preamble and resolutions of the Board of Supervisors of the City and County of San Francisco, tendering a public square to the State for the erection of a State Capitol.

Referred to the Special Committee on State Capitol.

GENERAL FILE.

Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider—amendments adopted and bill ordered engrossed.

Assembly Bill, No. 15, An Act granting the privilege to run a Steam Ferry between Vallejo and Mare Island to Edward Logan and Thomas Thornton, their successors and assigns;

And also, Assembly Bill, No. 108, An Act to relocate and fix the County Seat of Sierra County—amendments adopted and bills ordered engrossed.

Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases—substitute adopted and referred to the Judiciary Commitee.

Assembly Bill, No. 120, An Act relative to Mining Copartnerships—amended and ordered engrossed.

Assembly Bill, No. 91, An Act to appropriate money for the payment of Gen. A. M. Winn, for Military Services rendered, was considered in Committee of the Whole.

Mr. Burson in the Chair.

After spending some time in consideration of the bill the committee rose.

ONE O'CLOCK, P. M.

The special order of the day was postponed until half past one o'clock.

Mr. Warner moved to reconsider the vote by which the House on yesterday passed Assembly Bill, No. 22, An Act amendatory of, and supplementary to, the "Act defining the rights of Husband and Wife."

Mr. Hundley moved the previous question, which was sustained.

On reconsidering the vote, Messrs. Beach, Hundley, and Rodgers of Tuolumne, demanded the ayes and noes, with the following result:

Ayes—Messrs. Babcock, Beach, Bell, Conn, Crowell, Goodman, Groom, Gwinn, Hammond, Harville, Hawley, Hayes, Henry, Howe, Johnson of Sierra, King, Lamar, Lewis, Lovel, Makins, Maxson, O'Connor, Rodgers of Tuolumne, Smith of Sutter, Walden, Warner, Watson, Wilkins, and Wilson—29.

Noes—Messrs. Bowman, Campbell, Conness, Covarrubias, Curtis, Daggett, Dunlap, Fairchild, Gallagher, Hugg, Hundley, Jenkins, Johnson of Amador, Lambert, Laspeyre, Lawrence, McDermit, O'Rear, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Smith of Nevada, Starr, Stevenson, Swan, Theller, Tilton, Welty, Wescott, White, Williams, and Yancey—34.

So the House refused to reconsider.

GENERAL FILE RESUMED.

Assembly Bill, No. 28, An Act concerning certain Acknowledgments in Writing affecting Real Estate—ordered engrossed.

Assembly Bill, No. 152, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one—House refused to order the bill engrossed.

Mr. Johnson moved a call of the House.

Carried.

The following members were absent: Messrs. Crowell, Curtis, Goodman, Groom, Heston, Howe, Hugg, Johnson of Amador, King, Lamar, and Watson.

Sergeant-at-Arms proceeded to bring in the absentees.

Mr. Lawrence moved to suspend further proceedings under the call.

Lost.

Mr. Williams moved that further proceedings under the call be dispensed with.

Carried.

SPECIAL ORDER.

Substitute for Assembly Concurrent Resolution, No. 31, Relative to the New Almaden Mine.

Mr. Warner moved to strike out the preamble.

Lost.

On the adoption of the resolution, Messrs. Rogers of San Francisco, Wilkins, and Henry, demanded the ayes and noes, and the resolution was adopted by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bell, Bowman, Burson, Campbell, Conn, Conness, Covarrubias, Daggett, Dunlap, Ellis, Gallagher, Goodman, Hayes, Henry, Johnson of Sierra, Lambert, Lawrence, McDermit, O'Connor, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Smith of Nevada, Stevenson, Stone, Theller, Tilton, Walden, Watson, Welty, Wescott, Williams, Wilson, Yager, and Yancey—40.

NOES—Messrs. Crowell, Curtis, Fairchild, Gwinn, Haliday, Hammond, Harville, Howe, Hugg, Hundley, Jenkins, King, Laspeyre, Lewis, Lovel, Makins, Maxson, O'Rear, Smith of Sutter, Swan, Warner, White, and Wilkins—23.

Mr. Conness presented a communication from Harvey Lee, Relative to the Reports of the Supreme Court;

Referred to the Judiciary Committee.

Mr. Williams, offered the following resolution:

Resolved, that the Committee on the Judiciary, be instructed to inquire what suits, if any, are now pending between the People of California, and the Bondsmen of S. A. McMeans late Treasurer of State, and to report thereon, at the earliest convenience.

Adopted.

GENERAL FILE RESUMED.

Assembly Bill, No. 161, An Act to repeal an Act entitled "An Act to provide for the Permanent Location of the Seats of Justice of the several Counties of this State," passed April eleventh, one thousand eight hundred and fifty, and all amendments thereto—ordered engrossed.

Also, Assembly Bill, No. 125, An Act amendatory of Section One, of "An Act concerning Roads and Highways," passed April twenty-eighth, one thousand eight hundred and fifty-five—laid on the table.

At three o'clock, P. M., on motion of Mr. Gallagher, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 15, 1820.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the Chair.
Roll called.
The following members were absent, viz: Messrs. Beach and Groom.
The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:
By Mr. Crowell, Of citizens of Strawberry Valley for creation of Alturas County.
Referred to Committee on Counties and County Boundaries.
By Mr. Rogers Of San Francisco, of Pacific Railroad Convention.
Placed on file.
By Mr. Bailey of Tuolumne, Of citizens of Tuolumne County in relation to Road Tax.
Referred to Mr. Rodgers of Tuolumne.

REPORTS.

Reports were made as follows:
By Mr. Howe:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No 82, An Act to create the County of Alturas, define the Boundaries, and provide for the Organization thereof, together with the petition of one thousand nine hundred and eighty citizens of the proposed new county, praying for the same, and remonstrances from one thousand seven hundred and forty-seven citizens of Sierra County, against the same, have had the same under consideration, and respectfully report the bill back to the House without recommendation.

ROBERT HOWE,
Chairman.
BOWMAN,
JAS. W. WATSON,
M. P. O'CONNOR,
J. J. WARNER,
CHAS. McDERMIT.

By Mr. Babcock:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred an account of J. Bithell for stationery furnished Tenth Session of the Legislature, respectfully report it back, with the accompanying bill, and recommend its passage.

E. A. STEVENSON,
Chairman.

Bill above reported read first and second times, and placed on file.
By. Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee have had under consideration Senate Bill, No. 112, An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohem, deceased, to sell certain Real Estate, in Butte County, and report the same back, and recommend its passage;
Also, Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Crimi-

nal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven, and report the same back, and recommend its passage.

Your Committee have also carefully examined Senate Bill, No. 9, An Act to afford Protection to Immigrants to California, and report the bill back, and recommend its passage.

WILLIAMS,
Chairman.

By Mr. Warner:

Mr. SPEAKER:—Your committee, to which was referred Assembly Bill, No. 168, An Act concerning Partition Fences, have considered the same, and report the same back, and recommend its passage.

WARNER,
Chairman.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditure and Accounts, to whom was referred the Controller's report of Expenses of that office, from January first, to December thirty-first, one thousand eight hundred and fifty-nine, report the same back, and recommend its reference to the Committee on Ways and Means.

RODGERS,
Chairman.

Controller's report, above reported, referred to Committee on Ways and Means.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 157, An Act to provide for Settling the Boundary Line between the Counties of Sierra and Plumas, and the Counties of El Dorado and Sacramento;

Also, Assembly Bill, No. 115, An Act to Protect Female Children, under seventeen years of age.

Also, Assembly Bill, No. 154, An Act to fix the Compensation of the County Judge and District Attorney of Sierra County.

BEN. T. O'REAR,
For the Committee.

By Mr. Gwinn:

Mr. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 31, have considered the same and instructed me to report the same back, with an amendment, and recommend its passage as amended.

GWINN,
Chairman.

By Mr. Bailey of Tuolumne:

Mr. SPEAKER:—The Tuolumne Delegation, to whom was referred Assembly Bill, No. 189, entitled An Act to authorize the sale of the Real Estate of the late Joel Allen, deceased, have had the same under consideration, and report the bill back to the House and recommend its passage without amendments.

W. BAILEY,
For the Delegation.

By Mr. Sawyer:

Mr. SPEAKER:—The delegation from the city and county of San Francisco, to whom was referred Senate Bill, No. 36, have had the same under consideration, and beg leave to report certain amendments to the same, and that the bill, as amended, do pass;

Also, Assembly Bill, No. 127, entitled An Act to authorize John B. Polhemus, Robert Allen, John Perry, Jr., and W. Southwick, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon, and report that the charter of said Road does not expire until March seventh, one thousand eight hundred and sixty-one, and that it is inexpedient to legislate for its extension at this time, and, therefore, they recommend that the bill be indefinitely postponed;

Also, Senate Bill, No. 93, entitled An Act to authorize the City and County of San Francisco to settle certain Claims, and report the same back with a recommendation that it pass;

Also, Assembly Bill, No. 193, entitled An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to regulate Proceedings in Criminal Cases in this State,'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight, and report the same back with a recommendation that it do pass.

All of which is respectfully submitted.

SAWYER,
For the Delegation.

By Mr. Bell:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 159, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of San Joaquin, Plumas, Tuolumne, and Siskiyou," passed April nineteenth, one thousand eight hundred and fifty-nine, have considered the same, and report the bill back with a substitute, and recommend the passage of the substitute.

JOHN C. BELL,
P. H. GALLAGHER,
L. C. GOODMAN,
LAMBERT,
C. F. SMITH,
J. M. MAKINS.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 13, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved the following bill:

Assembly Bill, No. 40, An Act to authorize the Administratrix of the Estate of John McKenna, deceased, to sell Real Estate of the deceased at public or private sale.

JOHN G. DOWNEY,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, February 15th, 1860.

Mr. SPEAKER:—The Senate on yesterday, passed Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County, to Stanislaus County, with amendments;

Also, Senate Concurrent Resolution, No. 33, Relative to leave of absence to Sam Marshall, Supervisor of Tuolumne County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Amendments to Assembly Bill, No. 92, above reported, concurred in.

The House concurred in Senate Concurrent Resolution, above reported.

SENATE CHAMBER,
Wednesday, Feb. 15th, 1860.

Mr. SPEAKER:—The Senate on the tenth, passed Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco, to execute certain Deeds and cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 47, above reported, read first and second times, and referred to San Francisco Delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. King, An Act authorizing Gabrial Allen and others, to build a Turnpike Road, from the Ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County.

By Mr. Yancey, An Act to fix the salary of the County Judge of Tuolumne County, and to provide for the payment of said Salary.

By Mr. Johnson of Sierra, An Act to restrain the undue influence of Policemen and County Officers, in Primary Elections.

SECOND READING OF BILLS.

Senate Bill, No. 131, An Act to change the name of Andrew Jackson Knecttle, to Andrew Jackson Brewer.

Read a second time, and referred to the Judiciary Committee.

Assembly Bill, No. 178, An Act to compensate William Greenhood, for Translating certain Laws and Resolutions, of the Tenth Session of the Legislature, in the Spanish Language.

Read second time, and referred to the Committee on Claims.

Assembly Bill, No. 187, An Act to create a Special School Fund, and to provide for the collection of the same.

Read second time, and referred to the Committee on Public Morals.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Welty, An Act to grant to certain parties, the right of laying a Railroad Track, along certain Streets within the City and County of Sacramento;

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Johnson of Sierra, An Act to authorize and require the Board of Supervisors of Sierra County to Audit and Allow the claim of Moses Haynes, for service rendered, in arresting a Fugitive from justice;

Read first and second times, and referred to the Sierra Delegation.

GENERAL FILE.

Assembly Bill, No. 115, An Act to protect Female Children under seventeen years of age.

Assembly Bill, No. 157, An Act to provide for settling the Boundary Lines, between the Counties of Sierra and Plumas, and the Counties of El Dorado and Sacramento—

Read third time and passed.

Mr. Conness, was excused from serving on the committee to visit Mendocino County, and Mr. Maxson substituted.

Assembly Bill, No. 163, An Act to confer futher powers upon the Board of Education and the Auditor and Treasurer, of the City and County of San Francisco; also, amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight—recommitted to San Francisco Delegation.

Assembly Bill, No. 171, An Act to prevent the Stealing of Dogs—amendments adopted and ordered engrossed.

Assembly Bill, No. 34, An Act to provide for the Organization of a Company of Mounted Volunteers, to be employed under the direction and control of the Governor, and to appropriate money to defray the expenses of the same—laid on the table.

Assembly Bill, No. 104, An Act concerning Roads and Highways in the County of Nevada—amendments adopted, rules suspended, considered engrossed, read third time and passed.

On motion of Mr. Conness, the Speaker *pro tem.*, was authorized to appoint an alternate in the place of Mr. Shelton, on the Visiting Committee, for Mendocino County—Mr. Shelton was excused, and Mr. Phelps appointed.

Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County—recommitted to Napa Delegation.

Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and an Act supplementary, and explanatory of said act—amendments adopted, read third time and passed.

Senate Bill, No. 33, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, to bind as Apprentices, Clerks, and Servants, Orphan and half Orphan Children, under their care and tuition—amendments adopted, further amended, title amended, read a third time and passed.

Senate Bill, No. 68, An Act to change the name of William C. Perry, to William C. Miller—read a third time and passed.

Senate Bill, No. 45, An Act to Audit and Allow the claim of Britton & Rey—considered in Committee of the Whole, reported and recommended.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the Southern portion of the State, was considered in Committee of the Whole—after spending some time in considering the subject, the committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Henry, at fifteen minutes before three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 16th, 1860.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the Chair.

The Roll was called.

Messrs. Dunlap, Groom, Gwinn, Haliday, Johnson of Sierra, Pate, and Welty, were absent.

Mr. Pate had leave of absence for one day.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Harville, Of citizens of Dutch Flat, Placer County, for a Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Jenkins:

Mr. SPEAKER:—Your Committee on Claims, to whose consideration was referred Assembly Bill No. 116, An Act for the payment of Expenses incurred in the suppression of Indian Hostilities in the Counties of Tehama, Shasta, Butte, and Plumas, respectfully report:

That on the sixteenth of last August a volunteer company, composed of fifteen officers and eighty-four privates, was organized at the town of Red Bluff, and were in service four months and twenty days. During this time the company were constantly engaged in service in one or other of the counties of Butte, Plumas, Shasta, and Tehama.

We have carefully examined the vouchers presented by the parties who furnished supplies to this company, and respectfully make the following exhibit:

There was furnished eight thousand nine hundred and ninety-seven and one-half pounds of bacon, at an average price of thirty-one cents per pound; four thousand five hundred and eighty-seven pounds of beans, at five and one-half cents; three thousand six hundred and sixty-nine pounds of sugar, at twenty cents per pound; two thousand nine hundred and eighty-two pounds of coffee, at twenty-eight and one-third cents; five hundred and twenty-three pounds of tea, at seventy-seven cents;

forty thousand seven hundred and one pounds of hay, at three and one-quarter cents per pound; five thousand and ninety pounds barley at five and one-half cents; forty-seven thousand nine hundred and thirty six pounds of beef, at nine and one-half cents; thirty-five thousand one hundred and fifty-five pounds flour, at five and three-eighth cents; two thousand and fifty-five pounds Carolina rice, at eighteen cents; four hundred and sixty-three and a half pounds powder, at ninety cents per pound.

The above exhibit shows the amount and average price of the principal articles consumed by this company. We find that this company was composed of fifteen officers, eighty-four privates, and a number of Quartermaster's men and guides, averaging one hundred and ten men, during the entire period of four months and twenty days, or one hundred and forty-three days; and we find that the allowance of each man, per day, was three-quarters of a pound of bacon, or eighty-two and one-half pounds for the time; flour, one and one-half pounds per day for each person. This will show that thirteen thousand five hundred and ninety-five pounds was consumed by the company, and the balance, twenty one thousand five hundred and sixty pounds, was consumed by the Indians. Four ounces of sugar was consumed daily by each person; each man drew, for the entire term, a fraction over four pounds of tea. There was no apportionment of beef, the greater part of it being consumed by the Indian prisoners. Not quite three-tenths of a pound of beans, and about three ounces of rice was consumed daily by each person. The hay and barley was consumed in transportation.

We find that freight from San Francisco to Red Bluff was one and one-half cents per pound; and as an instance—as a portion of your committee complain that the price of the single article of rice is exorbitant—we would make the following exhibit:

The expedition consumed two thousand and fifty-three pounds of rice, at a cost of eighteen cents per pound. At the time this article was purchased in San Francisco, the wholesale price was eleven cents per pound. To deliver this article at Red Bluffs, placed in storehouses, would necessarily cost from one and a half to three cents per pound, and as this article was furnished to the expedition in quantities ranging from five to three hundred pounds at a time, the vender charged a retail price for it; consequently the price charged is not exorbitant, in our opinion. We are of opinion that the prices charged for the articles above enumerated are reasonable. At the same time we believe, from the evidence before us, that there has been no extravagance in the quantity consumed, but that commendable economy has been displayed.

For transporting the Indian prisoners to the reservation, and also the guards to, and from, we find the following charges:

For what Purpose.	Amount.
To passage paid for Guards to and from San Francisco and Red Bluff, at $7	$388 50
To transporting 450 Prisoners from Red Bluff to San Francisco	3,150 00
To transporting 450 Prisoners and Guards from San Francisco to Mendocino County	2,411 50
Total	$5,950 00

We thus find that five thousand nine hundred and fifty dollars has been expended for the transportation of the Indian prisoners to the reservation. This does not include the inland transportation of the prisoners. That, however, is a very small item, and has reference, only, to the employment of a wagon and horses, for a day at a time, for the moving of prisoners, who were not in a condition to walk.

We average the number of prisoners at camp, at four hundred and fifty, and that number were stationary at the camp for six weeks. This will explain the cause for the purchase of so much flour and beef.

We do not conceive it to be the province of this committee to decide on the justness or necessity of this war, but simply to decide on the correctness of the accounts; not to decide whether the debt should have been created; not whether the exigencies of the case justified the Executive in calling out a State volunteer force; but to decide where are overcharges, or whether the supplies so furnished were done at a reasonable price. We believe that the State is justly and legally indebted to the parties furnishing supplies; and your committee are of opinion that they should be paid in cash; and your committee would further represent that all the vouchers have been referred to the Board of Examiners, for them to adjust and examine, and if any of the prices charged are too high, it becomes their duty to reduce the same, and credit and allow such claims as are just and equitable.

We therefore respectfully recommend the passage of the bill, with amendments, as reported by your committee some days since.

E. A. STEVENSON,
Chairman,
T. F. JENKINS,
A. H. HAWLEY,
J. BABCOCK.

By Mr. Johnson:

Mr. SPEAKER:—Your Committtee on Mines and Mining Interests, to whom was referred Assembly Bill, No. 143, An Act to provide for the conveyances of Mining Claims, have had the same under consideration, and report the bill back to the House, with two clerical amendments, and respectfully recommend its passage as amended.

The committee are convinced that the bill is well guarded; and our Courts having decided virtually that conveyances of mining claims shall only be made by deed, under seal, acknowledged, and recorded. The safety and convenience of the miner demanded an enactment of this kind. The passage of this bill will also be the means of avoiding unnecessary, and often times oppressive expense.

Respectfully submitted.

JOHNSON,
Of Amador, Chairman.

By Mr. Beach:

Mr. PRESIDENT:—The Committee on Engrossment have examined the following Assembly Bills, and found them correctly engrossed:

Substitute for Assembly Bill, No. 120, An Act in relation to Mining Copartnerships;

Also, Assembly Bill, No. 161, An Act to repeal an Act entitled "An Act to provide for the Permanent Location of the Seats of Justice of the several Counties of this State," passed April eleventh, one thousand eight hundred and fifty, and all amendments thereto;

Also, Assembly Bill, No. 15, An Act granting the privilege to run a Steam Ferry between Vallejo and Mare Island, to Edward Lougan and Thomas Thornton, their successors and assigns;

Also, Assembly Bill, No. 108, An Act to relocate and fix the County Seat of Sierra County;

Also, Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider;

Also, Assembly Bill, No. 141, An Act to regulate the Fees of Office in Sierra County.

BEACH,
Chairman.

By Mr. Sawyer:

Mr. SPEAKER:—The delegation from the City and County of San Francisco, to whom was referred a communication from the Clerk of the Board of Supervisors of the said city and county, and inclosing preamble and resolution in relation to a State Capitol, have had the same under consideration, and beg leave to report a bill in conformity with the views therein contained, and recommend the passage of the same.

SAWYER,
For Delegation.

Bill above reported, read first time.

By Mr. Campbell:

Mr. SPEAKER:—The Sacramento and San Joaquin delegations, to whom was referred Assembly Bill, No. 95, with special instructions, respectfully report:

That having considered the same, they find that seven hundred and forty-nine of the citizens residing within the territory of the proposed new county have signed petitions in favor of it; that thirty-four within the proposed new county remonstrate against it; that three hundred and twenty-three of the citizens of Sacramento County, residing along the Sacramento River, remonstrate against being included within the new county; that one hundred and ten of the citizens of San Joaquin County remonstrate against the creation of the new county; that eighty-nine of the citizens of Sacramento County, residing in and about the town of Folsom, have signed a petition in favor of granting the request of the citizens desiring the new county.

By consent of the petitioners for the new county, your committee have drawn a substitute by which the proposed lines of the new county are changed as to leave out the remonstrants along the Sacramento River, and leave them in the county of Sacramento.

Your committee would therefore present a substitute for the original bill, and recommend its passage.

W. S. CAMPBELL,
L. C. GOODMAN,
D. W. WELTY,
R. B. ELLIS,
H. STARR.

On motion of Mr. Laspeyre, the bill above reported was recommitted to the San Joaquin and Sacramento delegations.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 16, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 66, An Act for the payment of the current and necessary expenses of the Pacific Railroad Convention;

Also, Assembly Concurrent Resolution, No. 47, instructing our Senators, and requesting our Representatives, to procure the passage of a law by Congress donating to each *bona fide* Settler on the Public Agricultural Lands within this State a Homestead of one hundred and sixty acres after a residence of five years, etc.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, February 15th, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 101, An Act to authorize William Potter to sell certain Real Estate;

Also, Senate Bill, No. 66, An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco;

Also, Senate Bill, No. 12, An Act extending the privileges of the Homestead to certain persons, and to regulate the creation of the same.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 101, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 66, above reported, read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 12, above reported, read first and second times, and referred to the Judiciary Committee.

SPECIAL ORDER.

Assembly Bill, No. 116, An Act for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, the special order of the day, was considered in Committee of the Whole, Mr. Hundley in the Chair. After spending three hours in the consideration of the subject, the committee rose, and reported the bill back, with a recommendation that it be referred to a Special Committee of three, to be appointed by the Speaker, with power to send for persons and papers, and to report to this House within four days all facts that they may collect with reference to the subject matter for which the bill provides.

The Speaker *pro tem.* appointed Messrs. Welty, Lawrence, and Conness, such committee.

Mr. Henry gave notice, that on to-morrow, he would introduce an amendment to the First Standing Rule of the House, so as to read as follows:

"The House shall meet each day of sitting at ten o'clock, A. M., unless the House shall adjourn to meet some other hour."

REPORT.

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 155, An Act to legalize the official acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County;

Also, Assembly Bill, No. 110, An Act to grant the right to convey Water in Pipes, to supply the Inhabitants of the Town of Red Bluff;

Assembly Concurrent Resolution, No. 46, Relative to a Mail Route between Oroville and Quincey.

JOHN DAGGETT,
Chairman.

On motion of Mr. Rodgers of Tuolumne, at half-past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, Feb. 17, 1860.

The House met pursuant to adjournment.

The Speaker, *pro tem.* in the Chair.

The Roll was called.

Messrs. Curtis, Dunlap, Haliday, Johnson of Sierra, and Welty, were absent.

Mr. Crowell had leave of absence for four days, Mr. Covarrubias for one day, and the Speaker indefinite leave.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Harville, Of citizens of Placer County for Sunday Law.

Also, by Mr. Johnson of Amador for same.

Also, by Mr. Williams, Of citizens of Santa Clara for same.

Referred to Committee on Public Morals.

By Mr. Goodman, Of citizens of Folsom for formation of new county.

By Mr. Welty, Of citizens of Sacramento against same.

Referred to San Joaquin and Sacramento Delegation.

REPORTS.

Reports were made as follows:

By Mr. Jenkins:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 178, An Act to compensate William Greenhood for translation of certain Laws and Resolutions of the Tenth Session of the Legislature into the Spanish Language, respectfully report the same back and recommend its passage.

E. A. STEVENSON,
Chairman.

By Mr. Laspeyre:

Mr. SPEAKER:—The Committee on Ways and Means have carefully examined Assembly Bill, No. 149, entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty, and the several act amendatory thereto, and respectfully recommend the indefinite postponement of the same;

Also, your committee to whom was referred Assembly Bill, No. 188, entitled An Act to amend "An Act to provide Revenue for the support of the Government of this State," passed May fifteenth, one thousand eight hundred and fifty-four, approved April seventeenth, one thousand eight hundred and fifty-five, have examined the same and report a substitute;

Also, have examined Assembly Bill, No. 102, entitled An Act to repeal all Acts or parts of Acts amendatory of an Act entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, A. D., one thousand eight hundred and fifty, and report, as a substitute, the following.

T. LASPEYRE,
Chairman of Committee.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty, have had the same under consideration, report the bill back with a substitute, and recommend the adoption of the substitute;

Also, Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County, is reported back with the recommendation that it pass.

Senate Bill, No. 35, An Act to appropriate money to pay W. T. Barbour, is reported back and its passage recommended;

Also, Senate Bill, No. 131, An Act to change the name of Andrew Jackson Kneettle to Andrew Jackson Brewer, is reported back and its passage recommended.

Assembly Bill, No. 191, An Act to change the name of Charles Pearce to Charles Greenwich Howard, is reported back and its passage recommended.

Your committee have also examined Assembly Bill, No. 61, An Act to appropriate money to pay R. A. Thompson and Ferris Forman, for services and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six, and report the same back amended and recommend its passage as amended;

Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases, which was recommitted to your committee, together with a substitute, are herewith reported back with the substitute amended, with the recommendation that it pass as amended;

Also, Assembly Bill, No. 175, An Act to amend an Act entitled "An Act to provide for the protection of Foreigners and to define their Liabilities and Privileges," is reported back and its passage recommended.

The committee have also had under advisement Assembly Bill, No. 69, An Act to amend "An Act supplementary to an Act entitled 'An Act to regulate Proceedings in Civil Cases,'" approved February twenty-first, one thousand eight hundred and fifty-nine, passed April twenty-first, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 128, An Act to amend "An Act to regulate Proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 25, An Act to amend an Act entitled "An Act to amend section twenty of 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 172, An Act to amend article nine hundred and seven of the Practice Act, as compiled in Wood's Digest, and report the four bills back and recommend that they do not pass.

Assembly Bill, No. 162, An Act to regulate Pawnbrokers in this State, and to define their liabilities, has been under advisement, and your committee report the bill back and recommend its passage.

WILLIAMS,

Chairman.

By Mr. Schmidt:

Mr. SPEAKER:—Your Committee on Military Affairs have had under consideration Assembly Bill, No. 68, An Act concerning the Organization of the Militia, and beg leave to report it back with amendments and recommend its passage as amended.

JOHN C. SCHMIDT,

For the Committee.

By Mr. Bailey of Santa Clara:

Mr. SPEAKER:—The Committee on Education, who were requested to inquire into, and report upon, the expediency of establishing a State University, beg leave to submit the following report:

Your committee have examined the plan and resources of the different States that have schools similar to the one proposed, and think that California has resources for such a school inferior to no State that has established a high school.

Your committee find that the State of Michigan, by an act of Congress, of January eighteenth, one thousand eight hundred and fifty-nine, was granted thirty-two thousand acres of land, for the purpose of establishing a State University; and the Legislature, by properly disposing of those lands, has built up an institution second to none in that State, and which is entirely self-supporting, and the interest accruing from the fund derived from the sale of her university lands is now devoted to the improvement of the library and geological departments, and the chemical and astronomical instruments of that school.

By an act of Congress of September fourth, one thousand eight hundred and fifty-one, Congress granted to this State forty-six thousand and eighty acres of land for the establishment of State Universities—fourteen thousand acres more than were granted to the State of Michigan.

And your committee, with these facts before them, are of the opinion that it is the imperative duty of the Legislature of this State to take the proper steps toward the establishment of a State University where the higher branches of education may be taught. Our State is fast approaching a point in her history where it will require the assistance of science and scientific men to develop her resources. In running tunnels (which branch of our mining operations has just fairly commenced) into the bowels of the earth, it requires the assistance of science to give the proper distance and angles, and our Sierra Nevadas can never be extensively penetrated by the iron horse without the assistance of the highest

mathematical and engineering attainments. And, aside from the foregoing considerations, the committee would earnestly urge upon the Legislature the establishment of such a school, on account of the isolated position of California.

Such an institution is necessary in any State, but it is of a two-fold necessity in ours, on account, as before remarked, of our isolated position. And it is a lamentable fact that the young boys of our State are far behind, in point of mental culture, and unless we take some step to remedy the evil, we have the disagreeable fact staring us in the face that the resources of our growing State will, after the lapse of twenty years, have to be developed by men from other parts of the world, where more facilities for education are given, and consequently qualify men better for the active duties of life and greater usefulness in the world. Therefore your committee would suggest the idea that a committee be appointed to draft a bill for the establishment and endowment of such an institution.

D. B. BAILEY,
For the Committee.

Messrs. Bailey of Santa Clara, Theller, Wilkins, Lovel, and Hammond, were appointed the committee.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, have examined the account of C. W. Tozier, Sergeant-at-Arms of the Assembly, for postage stamps furnished to members of the Assembly, from January thirty-first to February sixteenth, one thousand eight hundred and sixty, amounting to four hundred and thirty dollars, and find the same correct, and recommend the payment thereof.

ROGERS of San Francisco,
Chairman.

Adopted.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment, have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 104, An Act concerning Roads and Highways in the County of Nevada;

Also, Assembly Bill, No. 171, An Act to prevent the Stealing of Dogs.

BEN. T. O'REAR,
For the Committee.

By Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation, to whom was recommitted Assembly Bill, No. 163, report the same back with amendments, and recommend its passage as amended.

SAWYER,
For the Delegation.

By Mr. Bailey of Santa Clara:

Mr. SPEAKER:—The Santa Clara Delegation, to whom was referred Senate Bill, No. 121, An Act to provide for the Building of a Turnpike, or Graveled Road in Santa Clara County, report the same back, and recommend its passage.

BAILEY,
For the Delegation.

RESOLUTION.

Mr. Henry offered the following resolution, which was laid on the table:

Resolved, That Rule No, 1, of the Standing Rules of this House, be so amended as to read as follows: "The House shall meet each day of sitting at ten o'clock, A. M., unless the House shall adjourn to some other hour."

NOTICES OF BILLS.

Notice of the introduction of bills were given as follows:

By Mr. Coombs, An Act to provide for Recording Notices of Private Land Claims in this State;

Also, An Act to authorize the Construction of a Wharf at the foot of Main Street, in Napa City.

By Mr. Gallagher, An Act to prevent the State and Counties from becoming burdened with the Support of Paupers, who are disqualified under the laws of the United States to become Naturalized Citizens.

By Mr. Johnson of Amador, An Act to Exempt Printing Establishments from Forced Sale, and to provide Liens for Journeymen Printers.

By Mr. Theller, An Act amendatory of, and supplementary to, "An Act to repeal the several Charters of the City of San Francisco," approved April nineteenth, one thousand eight hundred and fifty-six.

By Mr. Lambert, An Act for the better Protection of Mining Claims.

By Mr. Walden, An Act amendatory of an Act entitled "An Act for the Relief of Purchasers of Land from the State of California," passed April eighth, one thousand eight hundred and fifty-nine.

SECOND READING OF BILLS.

Assembly Bill, No. 197, An Act to authorize the Board of Supervisors of the City and County of San Francisco to convey certain Property of the State of California, and to make and issue certain Bonds—read second time and placed on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gwinn, An Act to Establish the Rule of Evidence to be observed in the Courts of this State, in certain cases concerning Titles to Lands.

Read first and second times, referred to Judiciary Committee, and ordered printed.

By Mr. Yancey, An Act to fix the Salary of the County Judge of Tuolumne County.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Gallagher, An Act abolishing the Office of County Assessor, and establishing the office of Township Assessors, in the County of Calaveras.

Read first and second times, and referred to the Calaveras Delegation.

By Mr. Goodman, An Act to prevent the closing up of Public Highways, where the same cross Streams that become Dry or Fordable at any season of the year, throughout this State.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Laspeyre, An Act for the Relief of J. W. Marshall, the discoverer of Gold in California.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Conn, An Act to Legalize certain Records of the County of San Bernardino, and concerning the Records of said County.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Tilton, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Shattuck, An Act to amend an Act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. King, An Act authorizing Gabriel Allen, John S. Griffin, James B. Winston, and J. C. Welch, to build and construct a Turnpike Road from the Ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Theller, An Act to provide for the Improvement of the Navigation of the San Joaquin River.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Welty, An Act amendatory of, and supplemental to, an Act entitled "An Act authorizing the Guardian, or Guardians, of certain Minors to sell and dispose of their Real Estate and Chattles Real," approved April eighth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Burson, An Act amendatory of an Act entitled "An Act to provide for the Appointment, and prescribe the duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Theller, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several acts amendatory thereof.

Read first and second times, and referred to the Committee on Commerce and Navigation.

REPORT.

Mr. Daggett made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County to Stanislaus County.

JOHN DAGGETT,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Babcock:

Resolved, That the Special Committee appointed to take into consideration propositions for the removal and permanent location of the capital be, and are hereby, granted leave of absence, for four days.

Adopted.

By Mr. Laspeyre:

Resolved, That the amount of one hundred dollars be, and is hereby, allowed the Sergeant-at-Arms, for Postage used in this department for the use and benefit of the Assembly during the session, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Public Accounts and Expenditures.

GENERAL FILE.

Senate Bill, No. 48, An Act to appropriate money to pay J. W. Lockwood—considered in Committee of the Whole, reported, and passage recommended, read third time and passed.

Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the Right of Way over certain Lands of this State in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Mr. Conness offered the following amendment;

Provided, That no Toll-gate shall be erected within a less distance than one-half mile south of the Mission Creek Bridge, except the same be permitted by an order of the Board of Supervisors of the City and County of San Francisco, and that the Supervisors of said city and county are hereby authorized in their discretion to grant such authority.

Mr. Conness moved to lay the bill and amendments on the table.

Upon which, Messrs. Conness, Schmidt and Theller, demanded the ayes and noes, and the House refused, by the following vote:

Ayes—Messrs. Bell, Conness, Dunlap, Fairchild, Gallagher, Haliday, Hammond, Hugg, Hundley, King, Lawrence, Makins, McDermit, O'Connor, O'Rear, Schmidt, Starr, Theller, Wilkins, Wilson, and Yancey—21.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bowman, Campbell, Conn, Coombs, Daggett, Ellis, Goodman, Harville, Hawley, Hayes, Heston, Jenkins, Johnson of Amador, Johnson of Sierra, Lambert, Lewis, Lovel, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Stevenson, Swan, Tilton, Welty, Wescott, and Williams—32.

The amendments were adopted.

Bill read third time, and on its passage, Messrs. Theller, Schmidt, and Starr, demanded the ayes and noes, and it was passed, by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bell, Bowman, Campbell, Conn, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Haliday, Hammond, Harville, Hawley, Hayes, Heston, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lambert, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Watson, Welty, White, Wilkins, Williams, Wilson, and Yancey—47.

Noes—Messrs. Howe, Hugg, Hundley, O'Rear, Pate, Schmidt, Swan, Theller, Tilton, and Wescott—9.

Mr. Welty gave notice of reconsideration.

Senate Bill, No. 30, An Act for the relief of Joshua D. Crippen, Sheriff of Mariposa County, read third time and passed.

Assembly Bill, No. 109, An Act to amend "An Act to prevent the trespassing of Animals upon private property," approved March thirty-first, one thousand eight hundred and fifty-five—ordered engrossed.

Assembly Bill, No. 91, An Act to appropriate money for the payment of General A. M. Winn, for Military Services, was considered in Committee of the Whole, and reported without recommendation.

Mr. Shannon moved to indefinitely postpone the bill.

Upon which Messrs. Welty, Jenkins, and Shannon, demanded the ayes and noes, and it was indefinitely postponed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bowman, Burson, Conness, Coombs, Gallagher, Goodman, Haliday, Hawley, Hayes, Heston, Howe, Hugg, Hundley, Johnson of Amador, Lambert, Laspeyre, Lawrence, Makins, McDermit, O'Connor, Rogers of San Francisco, Schmidt, Shannon, Stevenson, Swan, Theller, Tilton, Warner, Watson, Welty, Wilson, and Yager—33.

Noes—Messrs. Babcock, Bell, Daggett, Dunlap, Ellis, Fairchild, Hammond, Harville, Jenkins, Johnson of Sierra, King, Lewis, Lovel, O'Rear, Pate, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Starr, Wescott, White, Wilkins, Williams, and Yancey—27.

Messrs. Hugg and Harville, were added to the Special Committee appointed on yesterday, on investigating the Tehama War Accounts.

Assembly Bill, No. 196, An Act for the payment of J. Bethell—laid on the table.

Mr. Welty offered the following resolution:

Resolved, that the Controller of State be, and he is hereby, authorized and required to draw his warrant in favor of J. Bithell, for the sum of one hundred and seventy-eight dollars, being the amount audited and allowed to him, for stationery furnished to the last Session of the Assembly, and not paid for want of funds in the Assembly Contingent Fund, to pay the same.

Lost.

On motion of Mr. Welty, Assembly Bill, No. 196, was taken from the table—considered in Committee of the Whole, reported, and passage recommended, rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 112, An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohem, deceased, to sell Real Estate in Butte County—read third time and passed.

Assembly Bill, No. 164, An Act to repeal an Act entitled "An Act to fix the Compensation of the Tax Collector of the County of El Dorado, and his Deputies in certain cases—recommitted to El Dorado Delegation,

Assembly Bill, No. 127, An Act to authorize John B. H. Polhemus. Robert Allen, John Perry Jr., and W. Southwick, to construct a Toll Road in San Francisco—recommitted to San Francisco Delegation.

At three o'clock, P. M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 18, 1860.

The House met pursuant to adjournment.
The Speaker, *pro tem.* in the Chair.
The roll was called.
Messrs. Campbell, Henry, Smith of Nevada, Walden, and Wescott, were absent.
Leave of absence was given as follows:
Mr. Beach, one day; Mr. Wescott two days; and Mr. Shattuck, four days.
The Journal of yesterday was read and approved.

RESOLUTION.

Mr Conness offered the following resolution:

Resolved, That the resolution adopted by this House, providing for the election of a Speaker, *pro tem.*, be so construed that the Speaker, *pro tem.*, elected, shall preside as such Speaker, *pro tem.*, for the remainder of the session.

Adopted.
Mr. Babcock moved to reconsider the vote by which on yesterday the House passed Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the Right of Way over certain lands of this State in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight.
Upon which Messrs. Theller, Smith, and Howe, demanded the ayes and noes, and the vote was reconsidered as follows:

AYES—Messrs. Babcock, Bailey of Santa Clara, Conn, Coombs, Ellis, Goodman, Hammond, Hawley, Hayes, Jenkins, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Pate, Rogers of San Francisco, Sawyer, Shannon, Smith of Nevada, Starr, Stevenson, Swan, Tilton, Warner, Watson, and Welty—27.
NOES—Messrs. Bell, Bowman, Conness, Dunlap, Fairchild, Haliday Harville, Howe, Hundley, Johnson of Amador, Johnson of Sierra, Makins, McDermit, O'Rear, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Theller, Wilson, Yager, and Yancey—21.

Mr. Shannon moved to recommit the bill to a Special Committee of three, with instructions to strike out the amendment to the first section.
Upon which Messrs. Schmidt, Howe, and Makins, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bell, Ellis, Hayes, Lambert, Pate, Rogers of San Francisco, Sawyer, Tilton, Warner, and Welty—11.
NOES—Messrs. Babcock, Bowman, Conn, Conness, Dunlap, Fairchild, Gallagher, Goodman, Haliday, Hammond, Harville, Hawley, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, Lawrence, Lewis, Lovel, Makins, McDermit, O'Rear, Rodgers of Tuolumne, Schmidt, Shannon,

Smith of Nevada, Smith of Sutter, Starr, Stevenson, Theller, Watson, White, Wilkins, Wilson, Yager, and Yancey—37.

Mr. Smith of Nevada moved to reconsider the vote by which the House on yesterday adopted the amendment to section one of the bill.

Upon which Messrs. Schmidt, Theller, and Hundley, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Coombs, Ellis, Goodman, Gwinn, Hawley, Hayes, Jenkins, Lambert, Lewis, Lovel, Pate, Rogers of San Francisco, Sawyer, Shannon, Smith of Nevada, Starr, Stevenson, Tilton, Warner, and Welty—21.

Noes—Messrs. Bell, Bowman, Conness, Fairchild, Haliday, Hammond, Harville, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Kungle, Lawrence, Makins, McDermit, O'Rear, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Swan, Theller, Watson, White, Wilkins, Wilson, and Yancey—27.

RESOLUTION.

Mr. Lovel offered the following resolution:

Resolved, That the Chief Clerk of the Assembly be authorized to appoint one Clerk, whose pay shall be eight dollars per day, payable out of the Contingent Fund of the Assembly.

Mr. Howe moved to indefinitely postpone the resolution.

Upon which Messrs. Shannon, Conness, and Howe, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Burson, Conn, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallaghar, Goodman, Haliday, Harville, Hawley, Howe, Hugg, Hundley, Jenkins, Kungle, Laspeyre, Lewis, Lovel, Makins, McDermit, Pate, Schmidt, Shannon, Smith of Nevada, Starr, Stevenson, Swan, Theller, Warner, Welty, and Wilson—36.

Noes—Messrs. Babcock, Henry, Johnson of Amador, Johnson of Sierra, Lambert, Lawrence, O'Rear, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Tilton, White, Wilkins, and Yancey—14.

On motion, Assembly Bill, No. 175, An Act to amend an Act entitled "An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges,"—was taken from the file and referred to the Committee on Mines and Mining Interests.

Assembly Bill, No. 179, An Act supplementary to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight—was taken from the file, and referred to the Judiciary Committee.

REPORTS.

Reports were made as follows:

By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment, have examined the following Assembly Bill, and find it correctly engrossed:

Assembly Bill, No. 28, An Act concerning certain Acknowledgments of Deeds and other Instruments in Writing affecting Real Estate.

BEN. T. O'REAR,
For the Committee.

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 131, An Act concerning Roads and Highways, in the Counties of Humboldt, Napa, and Siskiyou.

BEN. P. HUGG,
Chairman.

By Mr. Rogers of San Francisco:

Mr. SPEAKER—Your Committee on Public Expenditures and Accounts have examined the account of Charles T. Botts, for Daily and Weekly *Standards*, furnished members of the Assembly, for the last two weeks, amounting to one hundred and thirty- three dollars, and find the same correct, and recommend the payment thereof.

ROGERS,
Of San Francisco, Chairman.

Adopted.

Also, by the same:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution, in relation to the allowance of one hundred dollars to the Sergeant-at-Arms, for Postage used in this department, for the benefit of the Assembly, had the same under consideration, and report the same back, and recommend its adoption.

ROGERS,
Of San Francisco, Chairman.

By Mr. Jenkins:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 64, An Act to compensate the Resident Director of the State Prison, have had the same under consideration, and respectfully recommend its passage.

T. F. JENKINS,
E. A. STEVENSON,
A. H. HUNDLEY,
BABCOCK,
WM. A. CONN.

Also, by the same:

Mr. SPEAKER—Your Committee on Public Lands, to whom was referred Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants, have had the same under consideration, and respectfully beg leave to report the same back, and recommend its passage, without amendment.

T. F. JENKINS,
Chairman.

By Mr. Fairchild:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 187, entitled "An Act to create a Special School Fund and provide for the Collection of the same," have had the same under con-

sideration, and report, that the bill, together with the communication in yesterday's *Standard*, be referred to the author of the bill, with instructions to paste them in his scrap-book, and bequeath them as a "rich" legacy to his offspring, whereby they may be forever reminded of the length and dimensions of their illustrious sire's auracular organs.

FAIRCHILD,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Johnson of Amador, An Act for the relief of W. J. Paugh, Sheriff of Amador County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Coombs, An Act to provide for recording Notices of Claims to Private Land Grants in this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welty, An Act to exempt persons who are, or who may hereafter become, members of a Fire Company, from the payment of a Poll Tax.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Laspeyre, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes.

Read first time.

Mr. Conness moved to adjourn.

Upon which, Messrs. Gwinn, Rodgers of Tuolumne, and Conness, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bell, Bowman, Conn, Conness, Coombs, Fairchild, Gallagher, Goodman, Haliday, Hammond, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, O'Rear, Schmidt, Shannon, Smith of Nevada, Theller, Warner, Welty, White, Wilkins, and Wilson—26.

NOES—Messrs. Babcock, Bailey of Santa Clara, Daggett, Dunlap, Ellis, Gwinn, Harville, Hawley, Hayes, Howe, Hugg, Jenkins, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, McDermit, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Starr, Stevenson, Swan, and Tilton—28.

Mr. Warner offered the following resolution, the consideration of which was postponed until Monday next:

Resolved, That the Speaker appoint a Special Committee of three, to inquire into and report to this House the number of Clerks, Attachés, and Employés, now in the service of this House, as well as their per diem, or pay; and also, whether there cannot be a reduction of the number and pay of the Clerks, Employés, and Attachés, of this House.

Mr. Conness moved to adjourn.

Upon which, Messrs. Lovel, Rogers of Tuolumne, and Dunlap, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bell, Burson, Conn, Conness, Coombs, Fairchild, Gallagher, Goodman, Groom, Haliday, Hammond, Hugg, Hundley, Johnson of Amador, King, O'Rear, Sawyer, Shannon, Schmidt, Smith of Nevada, Welty, and Wilson—24.

Noes—Messrs. Laspeyre, Lawrence, Lewis, Lovel, Makins, McDermit, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Starr, Stevenson, Swan, Tilton, Warner, White, Wilkins, Yager, and Yancey—32.

Mr. Conness moved that the House take a recess for half an hour.
Lost.
Mr. Hundley moved that the House adjourn.
Upon which Messrs. Hundley, Rodgers of Tuolumne, and Yancey, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bell, Bowman, Burson, Conn, Conness, Coombs, Fairchild, Gallagher, Goodman, Haliday, Hundley, Johnson of Amador, O'Rear, Sawyer, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Welty, and Wilson—21.
Noes—Messrs. Daggett, Dunlap, Ellis, Groom, Gwinn, Hammond, Hawley, Howe, Hugg, Jenkins, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, McDermit, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Starr, Stevenson, Swan, Tilton, Warner, White, Wilkins, Yager, and Yancey—33.

Mr. Howe moved that Mr. Conness, have leave of absence for one day.
Carried.
At one o'clock, P. M., on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

House of Assembly,
Monday, February 20, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
The following members were absent, viz: Messrs. Bailey of Santa Clara, Burson, Campbell, Crowell, Curtis, Ellis, Groom, Hayes, Henry, Heston, Lovel, Makins, O'Connor, Rogers of San Francisco, Schmidt, Theller, Tilton, Warner, Watson, and Yancey, and those absent on leave.
Leave of absence was granted as follows:
To Mr. Watson, indefinite leave; Messrs. Burson, Theller, and O'Connor, for twodays; Mr. Bailey of Santa Clara, for four days; and Messrs. Lovel, Schmidt, Tilton, Campbell, Rogers of San Francisco, and Babcock, for one day each.
The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:
By Mr. Laspeyre, Of citizens of San Joaquin County against creation of new County.
Placed on file.
By Mr. Wilkins, Of Supervisors and Citizens of Sonoma County, relative to indebtedness of County.
Placed on file.

REPORTS.

Reports were made as follows:
By Mr. Laspeyre:

Mr. SPEAKER:—Your committee to whom was referred Assembly Bill, No. 97, entitled An Act amendatory of, and supplementary to, "An Act, approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills and other matter," from data received from the Secretary of State and Controller's offices, showing deficiencies to a large amount of moneys collected on Stamps, and other matter, find the welfare of the State demands the creation of the office of Stamp Inspectors. They therefore report, as a substitute, the following, and respectfully urge on your Honorable Body the adoption of the same.

T. LASPEYRE,
Ch'n Com. on Ways and Means.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 101, An Act to repeal an Act entitled "An Act to authorize Married Women to transact Business in their own names as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two;

Also, Assembly Bill, No. 51, An Act to amend an Act entitled as above, have had the same under consideration, and report the bill back with a substitute, and recommend the adoption of the substitute.

WILLIAMS,
Chairman.

By Mr. Haliday:

Mr. SPEAKER:—The undersigned, to whom was referred the bill to be entitled An Act to authorize and require the Board of Supervisors of Sierra County to audit and allow the claim of Moses Haynes, for services rendered in arresting a Fugitive from Justice, respectfully report the same back to the House with an amendment, and recommend the passage of the bill as so amended.

HALIDAY,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Saturday, February 18, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County to Stanislaus County;

Also, Assembly Concurrent Resolution, No. 46, instructing our Senators and requesting our Representatives to procure the establishment of a Daily Mail, during certain portions of the year, from Oroville, Butte County, to Quincy, Plumas County.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, February 17th, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 153, An Act fixing the time of holding the Court of Sessions and County Court in the County of Sacramento, with amendments.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly Bill, No. 153, above reported.

SECOND READING OF BILLS.

Assembly Bill, No. 211, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes.

Read second time and referred to the Sonoma Delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lambert, An Act supplementary to "An Act for the formation of Corporations for certain purposes," approved April fourteenth, one thousand eight hundred and fifty-three.

Read first and second times and referred to the Judiciary Committee.

Also, An Act for the better protection of Mining Claims in this State.

Read first and second times and referred to the Committee on Mines and Mining Interests.

By Mr. Laspeyre, An Act amendatory of "An Act to amend an Act entitled 'An Act concerning the office of Secretary of State,'" passed May fourth, one thousand eight hundred and fifty-four, passed March twenty-sixth, one thousand eight hundred and fifty-nine.

Read first and second times and referred to the Committee on Public Laws.

By Mr. Gallagher, An Act to prevent Counties and the State from becoming burdened with the support of Paupers who are disqualified, under the laws of the United States, to become Naturalized Citizens.

Read first and second times and referred to the Judiciary Committee.

By Mr. Conness, An Act to provide for the construction of the State Capitol in the city of Sacramento.

Read first and second times and referred to the Committee on Public Buildings and Grounds.

By Mr. Dunlap, An Act to establish Teachers' Institutes.

Read first and second times and referred to the Committee on Education.

By Mr. Wilkins, An Act to fund the Debt of the County of Sonoma and provide for the Payment of the same.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Pate, An Act to provide for the distribution of Books and Pamphlets published by and under authority of the State, and to encourage establishment of Public Libraries.

Read first and second times and referred to Judiciary Committee.

By Mr. Swan, An Act to amend an Act entitled "An Act to regulate the

Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wilkins, An Act amendatory of an Act to amend "An Act providing for the permanent location of the Seats of Justice of the several Counties," passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five.

Read first and second times and referred to the Judiciary Committee.

By Mr. Welty, An Act to provide for the payment of certain Claims against the City of Sacramento, by duplicate issue of certain Bonds of said City.

Read first and second times and referred to the Sacramento Delegation.

By Mr. Johnson of Amador, Joint Resolution, Relative to donation of portions of Utah and New Mexico.

Read first and second times and referred to the Committee on Federal Relations.

REPORT.

Mr. Beach made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly Bills, and find them correctly engrossed:

Assembly Bill, No. 199, An Act to legalize certain Records of the County of San Bernardino, and concerning the Recorder of said County;

Also, Assembly Bill, No. 196, An Act for the payment of J. Bithell;

Also, Assembly Bill, No. 109, An Act to amend "An Act to prevent the trespassing of Animals upon Private Property," approved March thirty-first, one thousand eight hundred and fifty-five.

BEACH,
Chairman.

GENERAL FILE.

Senate Bill, No. 35, An Act to appropriate Money to pay W. T. Barbour—considered in Committee of the Whole, reported and recommended, read third time, and—

On its passage, Messrs. Laspeyre, O'Rear, and Smith of Nevada, demanded the ayes and noes, and the billwas passed by the following vote:

AYES—Messrs. Beach, Bell, Bowman, Conn, Conness, Coombs, Covarrubias, Daggett, Gallagher, Goodman, Gwinn, Haliday, Hammond, Harville, Hawley, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, O'Rear, Pate, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Warner, Welty, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—44.

NOES—Messrs. Dunlap, Hayes, and Howe—3.

Assembly Bill, No. 146, An Act in relation to the Mountain Lake Water Company—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 24, An Act to regulate the fees of Witnesses in Criminal Cases—committee amendments adopted, further amended, and ordered engrossed.

Assembly Bill, No. 108, An Act to relocate the County Seat of Sierra County—read third time and passed.

Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider—recommitted to Special Committee, with special instructions to amend.

At two o'clock, P. M., on motion of Mr. Hundley, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 21st, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

The following members were absent, viz: Messrs. Burson, Bowman, Groom, Johnson of Amador, Schmidt, Warner, Welty, Wescott, and Yancey.

Leave of absence was granted as follows:

To Messrs. Wescott and Schmidt, for one day each, Mr. Johnson of Amador, for three days, and to Mr. Bowman, indefinite leave.

The Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Campbell, Of citizens of San Joaquin County for Sunday Law.
Referred to the Committee on Public Morals.

By Mr. Moore, Of citizens of Nevada County for Sunday Law.
Referred to the Committee on Public Morals.

REPORTS.

Reports were made as follows:

Mr. SPEAKER:—The Committee on Corporations, to whom was referred Assembly Bill, No. 71, An Act Limiting the Termination of Proceedings of Corporations in certain Cases, have had the same under consideration, and report the same back, and recommend that it be referred to the Judiciary Committee.

PATE,
Chairman.

By Mr. Lawrence:

Mr. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill, No. 96, An Act to repeal an Act entitled "An Act to amend 'An Act to provide for the protection of Foreigners, and to define their Liabilities and Privileges,'" approved April nineteenth, one thousand eight hundred and fifty-six, and to revive the Act approved April thirtieth, one thousand eight hundred and fifty-five;

And also, Assembly Bill, No. 111, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the protection of Foreigners," passed March thirtieth, one thousand eight hundred and fifty-

three, have had the same under consideration, and report them back with a substitute bill, respectfully recommending the passage of the substitute.

Your committee would inform the Assembly that they have reported the substitute bill after due deliberation, and they most earnestly solicit a careful analysis of its provisions by each and every member. The ultimate object of the bill is not disguised. The gradual, but certain expulsion of the Chinese or Mongolians from the mines will be the result of its passage.

Our Supreme Court says that we cannot prevent Chinese or Mongolian immigration by positive enactment. Under a decision of the same court we have the right, as a police regulation, to impose a tax upon these Asiatic coolies, in lieu of the protection they receive and the liberty they have to work in the mines. The substitute bill increases this tax, by a gradual scale, until it shall reach the rate of twenty dollars per month; declares it a misdemeanor for a Chinaman or a Mongolian to work in the mines without a license receipt for the current month, and provides that the fine imposed, if not paid, shall be worked out at two dollars per day upon the public highways. These provisions of the bill are in the nature of a police regulation, and therefore are not repugnant to the Constitution.

In this report your committee do not propose to argue the great question at issue. That may more properly be done when the bill is considered by the House. We earnestly recommend that the whole matter be fully discussed, confidently believing that the result will be the passage of the substitue bill. A wretched race of semi-barbarians are sapping the wealth of our State. They are overrunning us; they are a class who can never become citizens under our government; they can never be admitted to the social circle; they are mostly coolies, or, in other words, slaves to the wealthy grandees of their own country, but are not calculated for or desired as slaves by our own citizens; they are a blighting curse to the State in every sense of the word. It is for the Legislature, representing the will of the people, to say whether the mines of California shall longer remain the field in which Chinese nabobs work their slaves. It is for the Legislature to say whether our own citizens shall longer be disgraced by this association, and the gold which belongs to them transferred to a country from whence it never returns. A wise policy will either make the Chinamen a source of five times the revenue now derived from them, or drive the pestilence with which we are beset from the State.

All of which is respectfully submitted.

JOHNSON, of Amador,
Chairman,
A. C. LAWRENCE,
BENJ. P. HUGG,
J. WHITE,
P. H. GALLAGHER.

On motion of Mr. Lawrence, the substitute reported by the Committee was ordered printed.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly Bill, and found it correctly engrossed:

Assembly Bill, No. 210, An Act to amend An Act to Incorporate the

City of Oakland, passed March twenty-fifth, one thousand eight hundred and fifty-four.

BEN. T. O'REAR,
For the Committee.

By Mr. Coombs:

Mr. SPEAKER:—Your committee, to whom was referred Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County, beg leave to report the bill back, with the following amendment, and recommend its passage.

COOMBS,
Chairman.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, from February fourteenth, up to the twenty-first, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal Appendix	915	15 cts.	$137 25
For Printer, etc	1,838	10	183 80
Total	2,753		$321 05

C. McDERMIT,
Chairman.

The committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be hereby authorized and requested to draw his warrant in favor of the Chief Clerk, J. M. Anderson, for the sum of three hundred and twenty-one dollars and five one hundredths, payable out of the Copying Fund of the Assembly.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, February 21st, 1860.

Mr. SPEAKER:—The Senate, on Friday, February seventeenth, passed Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River, at its mouth, to parties therein mentioned;

Also, Assembly Bill, No. 126, An Act amendatory of an Act concerning the Eighth, Ninth, and Ffteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, one thousand eight hundred and fifty-seven.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly Bill, No. 126, above reported.

NOTICE OF BILL.

Notice of the introduction of a bill was given as follows:

By Mr. Stevenson, An Act authorizing the Board of Supervisors to levy a Special Tax providing for a Contingent Fund, for the County of Tehama.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Beach, An Act to authorize the American River Water and Mining Co. to extend their Works to or near the City of Sacramento, in the County of Sacramento, for the purpose of supplying the inhabitants of said County with water for Irrigating, Mechanical, Manufacturing, and other purposes for which the same may be required.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Wilkins, An Act to provide for the Correct Reporting and Publication of the Opinions of the Supreme Court.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tilton, An Act to provide for the care of Non-Resident Patients, in the Hospital of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Warner, An Act in Relation to the Indians.

Read first and second times, referred to the Committee on Federal Relations, and ordered printed.

By Mr. Moore, An Act fixing the Salary of the Register of the State Land Office.

Read first and second times, and referred to the Committee on Ways and Means.

GENERAL FILE.

Senate Bill, No. 64, An Act to Compensate the Resident Director of of the State Prison—considered in Committee of the Whole, reported and recommended, read third time, and—

On its passage Messrs. Gwinn, Howe, and Laspeyre, demanded the ayes and noes, and the bill passed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Campbell, Conn, Coombs, Covarrubias, Daggett, Ellis, Fairchild, Gallagher, Haliday, Harville, Hawley, Hayes, Hundley, Jenkins, Johnson of Sierra, King, Lambert, Lawrence, Lovel, Makins, O'Rear, Pate, Rogers of San Francisco, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—40.

NOES—Messrs. Dunlap, Goodman, Gwinn, Hammond, Howe, Hugg, Laspeyre, Lewis, McDermit, O'Connor, Rodgers of Tuolumne, and Stone—12.

Assembly Bill, No. 82, An Act to create the County of Alturas, define its Boundaries, and provide for the Organization thereof—was ordered engrossed, and made the special order for Monday next at one o'clock.

The following report was made by Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined, and

found correctly enrolled, Assembly Bill, No. 158, An Act to extend the time for the collection of Taxes in the County of Plumas;

Also, Assembly Concurrent Resolution, No. 35, Relative to a Mail Route from Sonora, California, to Monoville, Utah Territory;

Also, Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions in the County of Nevada;

Also, Assembly Bill, No. 145, An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds;

Also, Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight.

JOHN DAGGETT,
Chairman.

Mr. Daggett offered the following resolution:

Resolved, That the Enrolling Committee be empowered to appoint an Assistant to the Enrolling Clerk, to be paid eight dollars per day out of the Contingent Fund of the Assembly from the day of appointment.

Adopted.

GENERAL FILE.

Assembly Bill, No. 120, An Act in relation to Mining Copartnerships;

Also, Assembly Bill, No. 15, An Act granting the privilege to run a Steam Ferry between Vallejo and Mare Island to Edward Lougon and Thomas Thornton, their successors and assigns;

Also, Assembly Bill, No. 28, An Act concerning Acknowledgments of Deeds and other Instruments in Writing affecting Real Estate;

Also, Assembly Bill, No. 141, An Act to regulate the Fees of Officers in Sierra County;

And also, Assembly Bill, No. 171, An Act to prevent the stealing of Dogs—

Were read third time and passed.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Howe:

Resolved, That when this House adjourn it adjourn until Thursday, the twenty-third, in commemoration of the Birthday of George Washington.

Adopted.

By Mr. Beach:

Resolved, That the Committee on Engrossment be authorized to appoint an Assistant Engrossing Clerk, at a salary of eight dollars per diem, payable out of the Contingent Fund of the Assembly.

Adopted.

The following report was made by Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 126, An Act amendatory of

"An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven.

JOHN DAGGETT,
Chairman.

GENERAL FILE RESUMED.

Assembly Bill, No. 109, An Act to amend "An Act to prevent the trespassing of Animals upon Private Property," approved March thirty-first, one thousand eight hundred and fifty-five—laid on the table.

Assembly Bill, No. 61, An Act to appropriate money to pay R. A. Thompson and Ferris Forman, for services and expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six—considered in Committee of the Whole, committee amendments adopted, reported and recommended, and ordered engrossed.

Assembly Bill, No. 46, An Act amendatory of, and supplementary to, "An Act passed April nineteenth, one thousand eight hundred and fifty-six, concerning Estray Animals"—substitute reported by committee adopted, further amended, and ordered engrossed.

Assembly Bill, No. 189, An Act to authorize the sale of the Real Estate of the late Joel Allen, deceased—rules suspended, considered engrossed, read third time and passed.

Mr. Kungle presented a petition of citizens of Yuba for a Sunday Law.

Referred to the Committee on Public Morals.

Mr. Hayes moved to adjourn.

Lost.

Assembly Bill, No. 75, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath—made special order for February twenty-fourth, one thousand eight hundred and sixty, at one o'clock, P. M.

Assembly Bill, No. 168, An Act concerning Partition Fences—

Mr. Warner offered an amendment.

Pending the discussion of which, at forty-five minutes past one o'clock, on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 23d, 1860,

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

The following members were absent, viz: Messrs. Bailey of Santa Clara, Daggett, Goodman, Harville, Laspeyre, Lawrence, Rodgers of Tuolumne, and Welty.

Mr. Curtis had four days leave of absence, and Messrs. Daggett, Hundley, Hugg, Shattuck, Goodman, and Bailey of Tuolumne, one day each.

The Journal of Tuesday last, was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Halsted, Of citizens of Santa Cruz, for Sunday Law.

Referred to Committee on Public Morals.

By Mr. McDermit, Of citizens of Siskiyou County, Relative to Revenue Law.

Referred to Committee on Ways and Means.

By Mr. Laspeyre, Of citizens of San Joaquin County, against creation of New County.

Referred to Committee on Counties and County Boundaries.

By Mr. Sawyer, Of Managers of the Home for the Inebriate, for appropriation.

Referred to Committee on Public Morals.

Bill, accompanying above petition, read first and second times, and referred to the Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the appointment, and prescribe the duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty, have had the same under consideration, and report the bill back and recommend its passage;

Also, Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one, and report the same back, and recommend its passage;

Also, Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property, from forced sale, in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one, is reported back with a substitute, with the recommendation that the substitute be adopted;

Also, Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act providing for the Permanent Location of the Seats of Justice in the several Counties,'" passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five, is reported back amended, with the recommendation that it pass as amended;

Also Assembly Bill, No. 220, An Act to provide for the distribution of Books and Pamphlets published by, and under the authority of, the State, and to encourage the establishment of Public Libraries, is reported back amended, with the recommendation that it pass as amended;

Also, Assembly Bill, No. 136, An Act providing for the preparation of a Code of Laws for this State, is reported back, with the recommendation that it do not pass.

Your committee have also had under consideration, Assembly Bill, No. 49, An Act to provide for the Publication of the Laws and Decisions, relative to the Civil Practice of this State, in force at the expiration of the Eleventh Session of the Legislature;

Also, Assembly Bill, No. 88, An Act to provide for the Publication of

the General Laws of the State of California, and for a more thorough distribution of the same, and report the two bills back with a substitute, and recommend the adoption and passage of the substitute;

Also, Assembly Bill, No. 183, An Act to repeal the Ninth Chapter of an Act entitled "An Act concerning Corporations," approved April twenty-second, one thousand eight hundred and fifty, is reported back with the recommendation that it do not pass;

Also, Assembly Bill, No. 67, An Act to repeal an Act entitled "An Act for the Protection of Settlers, and to quiet Land Titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six, is herewith reported back with a substitute, with the recommendation that the substitute be adopted;

Also, Assembly Bill, No. 71, An Act limiting the termination of Proceedings of Corporations in certain cases, is reported back, with the recommendation that it do not pass;

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty, is reported back with certain amendments, with the recommendation that it pass as amended;

Also, Assembly Bill, No. 213, An Act to provide for the Recording Notices of Claims to Private Land Grants, in this State, is reported back with the recommendation that it do not pass.

Your committee have examined Assembly Bill, No. 170, An Act to authorize the formation of Joint Stock Associations for Savings, Deposit, and Discount, and report the same back amended, and recommend its passage as amended;

Also, Assembly Bill, No. 225, An Act to prevent Counties and the State from becoming burdened with the Support of Paupers, who are disqualified, under the Laws of the United States, to become Naturalized Citizens, is reported back with the recommendation that it do not pass.

WILLIAMS,
Chairman.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly Bills and found them correctly engrossed:

Assembly Bill, No. 61, An Act to appropriate money to pay R. A. Thompson and Ferris Forman for services and expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six;

Also, substitute for Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases;

Also, Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their works near or to the City of Sacramento in the County of Sacramento, for the purpose of supplying the Inhabitants of said County with water for Irrigating, Mechanical, Manufacturing, and other purposes for which the same may be required.

BEACH,
Chairman.

By Mr. Yancey:

Mr. SPEAKER:—The Tuolumne Delegation, to whom was referred the bill to fix the salary of the County Judge of Tuolumne County, respectfully recommend the passage of said bill with the following amendments

Section first, strike out the words "six hundred;"

Also, at the close of said section, add the words "per annum;"
Also, strike out the whole of section third.

YANCEY,
For the Delegation.

The rules were suspended, the committee amendments above reported adopted, bill considered engrossed, read third time, and passed.

By Mr. Campbell, from majority of San Joaquin and Sacramento Delegation:

Mr. SPEAKER:—The Sacramento and San Joaquin Delegation, to whom was recommitted Assembly Bill, No. 95, An Act to create the County of Mokelumne, have considered the same and have prepared a substitute for the substitute heretofore reported, and recommend the passage thereof.

W. L. CAMPBELL,
R. B. ELLIS,
WELTY.

I hereby recommend the above substitute for the substitute heretofore reported.

HENRY STARR.

By Mr. Laspeyre, from minority of same delegation:

Mr. SPEAKER:—A minority of the delegation from San Joaquin and Sacramento counties, to whom was referred Assembly Bill, No. 95, have had the same under consideration, and ask leave to submit the following views in relation to the matter and reasons for dissenting from a majority of the delegation.

In the first instance, it is well known by the House that the bill, after having been referred to the Committee on Counties and County Boundaries, was carefully considered by said committee, they possessing all the facts and information necessary to enable them to institute a strict scrutiny and impartial investigation of the subject, and to render an unbiased report, said committee did, after days of inquiry, examination, and deliberation, arrive at a unanimous opinion that there was not sufficient merit in the bill to warrant them in favoring its passage; consequently, they reported the matter back to the House, recommending that the bill do not pass.

I, as a minority of that delegation, firmly believe that the committee acted from a sense of duty, and discharged faithfully and conscientiously the obligations that devolved upon them, for they were disinterested parties, and could have no preference or prejudice either for or against the formation of the proposed new county of Mokelumne.

Immediately after the report of said committee, a member of the majority of the delegation to whom this bill was referred moved that the bill be recommitted to the San Joaquin and Sacramento Delegation, upon which motion the bill was referred. I regretted at the time, and still deprecate, the disposition made of the bill by the House, for it is a known fact that the Sacramento Delegation are either in favor of the bill or indifferent as to its fate, and Mr. Campbell, my colleague, residing in that portion of San Joaquin now included in the limits of the proposed new county, is a friend and advocate of the bill, while I stand, as one of the representatives from the County of San Joaquin, opposed to the proposition. Therefore I think it was an improper and injudicious reference of

the bill, and I am convinced that the only object that the mover of its second reference had was to procure a majority report in favor of its passage, for the purpose of giving his cause a force and prestige in this House which it could not otherwise have attained while resting upon its merits in the hands of an impartial and disinterested committee.

My understanding of the object of creating the Committee on Counties and County Boundaries is, that subjects of the above named character, involving the boundaries of counties, or creation of or annexation of counties, was to take such matters from the hands of parties directly interested and place them where they would receive investigation without favor or prejudice to those whose interests clash. I believe if this rule was strictly adhered to the House would be relieved of great trouble and many tedious and perplexing duties by those members who are interested in the formation of new counties.

I now propose to adduce some reasons why this bill should not pass.

The people of San Joaquin County, living outside of the limits of the embryo county of Mokelumne, are opposed to the measure, *en masse*. Without fear of contradiction I assert that the entire population of the county, not embraced in the division, are hostile to the segregation, and believe it would inflict a great injury upon the county at large, would cripple her finances, ruin her credit, bankrupt the county, and be the means of imposing additional burdensome taxes upon its inhabitants.

In creating new counties, by dividing others, the Legislature should consult the interest of those living without the boundaries of the territory applying for separation, for they are directly concerned and interested in matters affecting the welfare of the county, they being, as a general thing, a large majority of the population, contributing by taxation and other means, to support and sustain the county government. As a natural consequence, whatever affects one portion of a county affects the whole; and the interest of the large majority would certainly be affected and materially injured by losing a portion of territory that now contributes its *pro rata* in supporting the county government. Independent of these considerations, there is no necessity existing for the formation of this new county, the interests of the people do not demand it, nor does sound policy dictate that it should be done.

The plan of forming this new county of Mokelumne was first conceived by parties who were privately and pecuniarily interested; by parties owning sites which they imagined would be eligible locations for county seats, thereby enhancing the value of their property and aggrandizing themselves. These considerations, together with persons aspiring for official positions, anxious to create offices, are ready and patriotic enough to serve in the various capacities that are assigned them by the people of the new county. To an unbiased observer, and one who is acquainted with the entire history of the rise and progress of this new county movement, the fact is indisputable that from its origin until the present time, private speculation, and political aspirations, and office seeking, has been the motive power which has been propelling and advancing this measure from its inception till the present period. In that portion of San Joaquin County which is proposed to be embraced within the limits of Mokelumne County, no murmer of complaint has ever been heard against the administration of justice; they have never denied but that the laws were strictly and faithfully executed; nor have they complained of oppression by taxation or otherwise, nor have they asserted that there is any hardship or injustice done them; neither do they claim that their wants, desires, or rights, have been disregarded by those who are in-

trusted with their interests; and in regard to the distance to the county seat, which parties living in the extreme portion of the division district speak of, I think the greatest distance traveled to reach Stockton does not exceed twenty-six miles, and at no season of the year are the roads impassable; and from seven to nine months of the time, I venture to say, there are no better roads in the world. In this respect, nature has done her part to the people of the Mokelumne district, and what she has left undone the liberal county of San Joaquin has bounteously poured out her treasure to supply the defect. No, none of these causes are alleged by parties earnestly advocating the formation of a new county. If the subject had not been excited by those personally and pecuniarily interested, no necessity for the move would ever have been discovered; had it been left to the sober senses of the honest masses of the community, there would have been no petition before the Legislature for the county of "Mokelumne;" the hitherto contented people of San Joaquin would be pursuing their avocations, and, if permitted to remain as they are, will continue to enjoy the peace and tranquility which has formerly characterized them. As to the people of Sacramento County I have but little to say. If they are laboring under the grievous burdens and taxes which they complain of, I conceive it is a poor way of redressing their wrongs, by inflicting a great, lasting, and perpetual injury, upon the people of San Joaquin County; because a portion of Sacramento County desire to secede, and relieve themselves from extra taxation, that is no reason why the State of California, by legislative enactment, should ruin and disorganize the county of San Joaquin.

Below, I beg leave to present some facts and figures in relation to this matter, that will, I trust, be sufficient to govern the House in its action: The indebtedness of the Sacramento portion of the new county is twenty thousand dollars; indebtedness of San Joaquin portion of the new county, six thousand one hundred dollars; interest on Sacramento debt, at ten per cent., three thousand dollars; interest on San Joaquin County debt, at ten per cent., six hundred dollars; sinking fund for San Joaquin portion per annum, one thousand dollars; for Sacramento portion, one thousand five hundred dollars; amount to be appropriated annually for interest and sinking fund, six thousand one hundred dollars; assessed value of property in proposed new county, one million two hundred thousand dollars; one hundred cents on one hundred dollars; assessed county tax, twelve thousand dollars; proportion of officers' fees to be taken from county tax, viz: Sheriff's fees, nine hundred dollars; Assessor's, five hundred dollars; Treasurer's, five hundred dollars; County Judge's, six hundred dollars; District Attorney's, three hundred dollars; Supervisors', six hundred dollars; County Auditor's, two hundred dollars; Superintendent of Public Instruction's, two hundred dollars. Total officers fees, three thousand eight hundred dollars. Interest on seven thousand six hundred dollars, borrowed money for public buildings and organization, one thousand eight hundred and twenty-four dollars; board of prisoners, and cost in criminal cases, two thousand five hundred dollars; cost of indigent sick, one thousand two hundred dollars. Total amount to be appropriated annually, including interest and sinking fund, fifteen thousand four hundred and twenty dollars. Subtract twelve thousand dollars annual revenue from county taxes, leaving three thousand four hundred and twenty-four dollars deficit, in the amount received for county purposes, for which no provision is made in the bill.

In making the above calculation, I have taken nearly all the figures and data from the bill itself, and have made liberal allowances, and

given Mokelumne all advantages. These facts and figures, I think, fully demonstrate the inability on the part of the proposed new county of Mokelumne, to meet her liabilities to the counties whose territory she severs. The county of San Joaquin is not willing to take the bonds of Mokelumne County, for she is well aware that when the liability falls due, Mokelumne will be in the same predicament with three-fourths of the counties in the State that have seceded from larger counties, and established separate organizations, without adequate means of supporting them. By the lines proposed in the bill, the western boundary line of Mokelumne, runs within eight miles of the city of Stockton, embracing nearly one-third of the best and richest portion of San Joaquin County. Before the annexation of a part of San Joaquin to Stanislaus County, the number of square miles in San Joaquin were one thousand four hundred and fifty-two, taking off one hundred and forty-four, by annexation to Stanislaus, leaves one thousand three hundred and eight square miles in the present limits of the county. Take away three hundred and ninety-five square miles, as proposed by Mokelumne County, it leaves the county of San Joaquin with only nine hundred and thirteen square miles of territory, and three hundred and fifty of that is swamp and overflowed land, leaving her only five hundred and sixty-three square miles of upland, or lands that are now tillable and susceptible of cultivation; of that remainder, a large portion lying west of the San Joaquin River is uninhabited, being incapable of producing grain, or anything that would justify settlers in occupying it. Your Honorable Body can now perceive that by the passage of that bill, you reduce the area of San Joaquin to such a limited extent, that she will, instead of occupying a position as a fifth or sixth rate among the counties of the State, by thus circumscribing her now limited territory, place her as a twentieth rate county, a position which she does not seek, and one not to be envied by a county like San Joaquin, that has on all occasions given evidence of her firmness, stability, and character. The large amount of revenues she has paid into the State treasury attests her standing and integrity.

I have presented remonstrances, signed by several hundred persons living in the San Joaquin portion, protesting against the new county. Since that time the friends of the measure have so changed the lines as to leave a portion of the remonstrants out. How many have been excluded by said alteration I cannot positively assert, but I am convinced the number left out does not near approximate to those given in the report of the majority delegation. They say only thirty-four remain in who protest against division, while I am certain that forty-five in the San Joaquin portion have signed remonstrances, and very probably many more, whom I do not know, since the boundary line has been so altered. Of the twelve hundred thousand dollars of property within the new county limits, persons representing three hundred and forty-seven thousand dollars are diametrically opposed to the division scheme. In addition to the above I am credibly informed there are numerous others residing in Mokelumne who are equally inimical to separation, and they will in a short time remonstrate, thereby swelling the amount of property within the new county to five hundred thousand or six hundred thousand dollars, the holders of which are opposed to the formation of Mokelumne County. A short time since Mr. Starr of Sacramento County, presented a remonstrance signed by three hundred and twenty residents of this county against being included in Mokelumne County, by consent that parties protesting be left out. I now learn from the best authority, that there are still large numbers living in Franklin Township and other sections of

Mokelumne, who are opposed to the new county, for reasons assigned that by leaving out those three hundred and fifty, they will be compelled to travel an immense distance to the County Seat; and further, it laps off such a large piece of territory, that those remaining will not be able to support a County Government. The bill, in many of its sections, has bad provisions in it. Section thirtieth is extremely objectionable. It provides that bonds issued shall be made payable in twenty-five years, and that San Joaquin County shall receive "Mokelumne Bonds" in payment of her indebtedness. The bonds of San Joaquin County have only nine years to run, and such value is placed upon them that there are none in market at this time. Why should we be compelled to receive Mokelumne Bonds running twenty-five years, while ours have but nine years? Where is the equality, equity, or justice, in such a proposition? The bonds of Mokelumne, when issued, will not bring fifty cents on the dollar, and I do not hesitate to express the opinion that her debts will never be paid, and her bonds will never be redeemed.

Section twenty-seventh gives Mokelumne County a share in the buildings of two counties. I am against this proposition. She can with the same propriety claim a share in everything belonging and appertaining to the government of San Joaquin and Sacramento counties. It is not the fault nor the desire of San Joaquin County that this portion of her territory should secede, and why make her assist in organizing this disaffected section of territory into a County Government? The bill is radically defective in many other respects. It would be trespassing too much upon the time of the House to go into detail and point out the defects and objections which can be urged against it.

The statistics, facts, and data, which I have given, is derived from correct and authentic sources, and by a careful examination of the subject, any unbiased mind will admit their truth. By reference to a correct map of San Joaquin County, drawn by Duncan Beaumont, County Surveyor, and now in the House, members can satisfy themselves fully with regard to the topography of the division district and the county of San Joaquin. It requires but a glance at the map to see that by the segregation of that territory you leave the county of San Joaquin in a miserably small, hopeless, and ruined condition. I have already presented remonstrances signed by seven hundred of the tax-payers against the creation of this new county, and will in a very few days hand in others, numbering thousands of the best people in the county, who are opposed to the measure. These reasons, together with many others equally tangible, induce me to offer my protest as one of the representatives of San Joaquin County against any interference with her boundaries. A sense of duty to a large mass of the people whose interests I in part represent, impels me to respectfully but earnestly protest against the formation of Mokelumne County out of any portion of the county of San Joaquin. Trusting that the Assembly will pardon me for so long trespassing upon its time, I humbly submit this report to the candid consideration and unbiased judgment of the House, hoping that justice will be done.

Respectfully,

T. LASPEYRE.

By Mr. Wilkins:

Mr. SPEAKER:—The Sonoma Delegation, to whom was referred Assembly Bill, No. 211, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes, have had the same under con-

sideration, and report the same back, and recommend that the bill be passed.

CHARLES P. WILKINS,
Of Sonoma County.

Mr. Conness verbally reported as amended Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider.

Mr. Rogers of San Francisco, presented a memorial of the Dashaway Association for an appropriation.

Referred to the Committee on Public Morals.

Mr. Groom moved that the Special Committee on the Indian War Debt be required to report herewith.

Mr. Ellis moved to amend by striking out "forthwith," and inserting "Thursday next."

Mr. Shannon moved as a substitute for the amendment, that said committee shall have until Saturday of next week to make their report, and that said committee shall make their report on that day.

On the adoption of Mr. Shannon's substitute, Messrs. Conness, Burson, and Campbell, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Conn, Conness, Coombs, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Harville, Hawley, Hugg, King, Laspeyre, Makins, O'Connor, Starr, Tilton, Warner, Wilson, and Mr. Speaker—22.

NOES—Messrs. Babcock, Beach, Bell, Campbell, Covarrubias, Crowell, Dunlap, Ellis, Groom, Gwinn, Hayes, Henry, Heston, Howe, Jenkins, Johnson of Sierra, Kungle, Lambert, Lawrence Lewis, Lovel, McDermit, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Swan, Theller, Wescott, White, Wilkins, Williams, and Yancey—39.

On the adoption of Mr. Ellis' amendment, Messrs. Conness, Burson, and Smith of Nevada, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Beach, Burson, Conn, Conness, Coombs, Crowell, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Harville, Hawley, Hayes, Hugg, Johnson of Sierra, King, Laspeyre, Makins, O'Connor, Pate, Shannon, Smith of Nevada, Starr, Tilton, Warner, Wilson, and Mr. Speaker—29.

NOES—Messrs. Babcock, Bell, Campbell, Covarrubias, Dunlap, Groom, Gwinn, Henry, Heston, Howe, Jenkins, Kungle, Lambert, Lewis, Lovel, McDermit, O'Rear, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Sutter, Stevenson, Stone, Swan, Theller, Wescott, White, Wilkins, Williams, and Yancey—31.

Mr. Burson moved to lay the whole subject matter on the table.

Upon which Messrs. Conness, Burson and demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Conn, Conness, Coombs, Crowell, Fairchild, Gallagher, Goodman, Haliday, Halstead Hammond, Hawley, King, Ma-

kins, O'Connor, Sawyer, Shannon, Starr, Theller, Tilton, Warner, Wilson, and Mr. Speaker—23.

Noes—Messrs. Babcock, Beach, Bell, Campbell, Covarrubias, Dunlap, Ellis, Groom, Gwinn, Hayes, Henry, Heston, Howe, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lewis, Lovel, McDermit, O'Rear, Pate, Rogers of San Francieco, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Swan, Wescott, White, Wilkins Williams, and Yancey—35.

Mr. Smith of Nevada, moved to amend by inserting "that on Tuesday next, the committee report whether the prices charged, and the rates of payment named in the bill are reasonable."

Lost.

Mr. Stevenson moved the previous question.

Upon which Messrs. Conness, Makins, and Tilton, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Campbell, Covarrubias, Crowell, Dunlap, Goodman, Groom, Gwinn, Hammond, Harville, Hayes, Henry, Heston, Howe, Jenkins, Lawrence, Lewis, Lovel, McDermit, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Theller, Wescott, White, Wilkins, Yancey, and Mr. Speaker—36.

Noes—Messrs. Burson, Conn, Conness, Coombs, Ellis, Fairchild Gallagher, Haliday, Halsted, Hawley, Hugg, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Makins, O'Connor, Starr, Swan, Tilton, Warner, Welty, Williams, and Wilson—28.

On the adoption of Mr. Gwinn's motion, Messrs. Conness, Shannon and Lambert, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Campbell, Covarrubias, Crowell, Dunlap, Ellis, Groom, Gwinn, Hammond, Hayes, Henry, Heston, Howe, Jenkins, Johnson of Sierra, Kungle, Lambert, Lewis, Lovel, McDermit, O'Rear, Pate, Rogers of Tuolumne, Smith of Sutter, Stevenson, Stone, Theller, Wescott, White, Wilkins, and Yancey—32.

Noes—Messrs. Burson, Conn, Conness, Coombs, Fairchild, Gallagher, Goodman, Haliday, Halsted, Harville, Hawley, Hugg, King, Laspeyre, Lawrence, Makins, O'Connor, Rogers of San Francisco, Shannon, Smith of Nevada, Starr, Swan, Tilton, Warner, Welty, Williams, Wilson, and Mr. Speaker—29.

REPORTS.

Reports were made as follows:

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment report as correctly engrossed, Assembly Bill, No. 204, An Act to fix the Compensation of the County Judge of Tuolumne County.

BEACH,
Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEP'T,
Sacramento, February 21, 1860.

To the Honorable the Assembly of the State of California:

I transmit herewith, for the consideration of your Honorable Body, the report of Captain W. S. Jarboe, who was commissioned by one of my immediate predecessors, to Organize an Expedition for the Suppression of Indian Hostilities, in Mendocino County.

JOHN G. DOWNEY,
Governor.

Mr. Burson moved to adjourn.

Upon which Messrs. Conness, Crowell, and Hugg, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Fairchild, Howe, Theller, and Warner—5.

NOES—Messrs. Babcock, Beach, Conn, Conness, Coombs, Covarrubias, Crowell, Dunlap, Ellis, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hayes, Heston, Hugg, Jenkins, Johnson of Sierra, King, Lambert, Laspeyre, Lewis, Makins, McDermit, O'Connor, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Smith of Nevada, Starr, Stone, Tilton, Welty, White, Wilkins, Wilson, Yancey, and Mr. Speaker—45.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 23, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved the following bills:

Assembly Bill, No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou;

Also, Assembly Bill, No. 158, An Act to extend the time for collecting the Taxes in the County of Plumas;

Also, Assembly Bill, No. 121, An Act to fix the terms of the County Court and Court of Sessions of the County of Nevada;

Also, Assembly Bill, No. 134, An Act to confirm and legalize the Assessment Roll or Tax List of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the Collection of the same;

Also, Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first one thousand eight hundred and fifty-seven;

Also, Assembly Concurrent Resolution, No. 35, instructing our Senators and requesting our Representatives to procure the establishment of a Weekly Mail between Sonora, in Tuolumne County, and Monroville, in Western Utah.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 21, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 110, An Act to grant the right to convey Water in pipes to supply the Inhabitants of the Town of Red Bluff;

Also, Assembly Bill, No. 155, An Act to legalize the Official Acts of

Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 23, 1860.

To the Honorable the Assembly of California:

I herewith transmit, for the consideration of your Honorable Body, the accompanying petitions, addressed to the Executive and Legislature of this State, praying that the crime of highway robbery may be made punishable with death. The petition is not one of ordinary character, but seems to be called forth by the frequent occurrences of this crime, the large loss sustained by our citizens, and the consequent loss of life. This petition is signed by five thousand eight hundred and sixty-four citizens of Nevada, Placer, and Tuolumne counties, of respectability and worth, and therefore demands your earnest attention.

There is no State in the Union that requires such stringent laws in this particular as the State of California. We have no banking system or medium of exchange between our different towns and the great commercial metropolis save that of coin and gold dust. The banditti who infest our highways are fully aware of this fact, and therefore it is that we hear of so many daring robberies committed at noonday, and not unfrequently within the corporate limits of our cities and towns.

The commission of highway robbery very frequently involves murder, and I do not see why it should not be punished with death.

The causes I have cited above are such as have given rise to the organized banditti of Mexico. Its medium of exchange, like that of ours, is gold and silver, which are carried from point to point to subserve the exigencies of commerce. The want of severe laws and the certainty of punishment have emboldened these robbers of our sister republic, defying even the Central Government, causing Mexico to be shunned by travelers, and materially retarding her growth and prosperity.

The laws in this respect should be more severe; the condition of society requires it, the people of the State demand it.

JOHN G. DOWNEY,
Governor.

The preceding message, and accompanying papers, referred to the Judiciary Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, February 23, 1860.

Mr. SPEAKER:—The Senate, on Tuesday, February twenty-first, passed Assembly Bill, No. 199, An Act to legalize certain Records of the County of San Bernardino, and concerning the Recorder of said County.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Thursday, February 23d, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 150, An

Act to amend "An Act to fix the time of holding the County Court, Probate Court, and Court of Sessions, of Sierra County," approved March sixth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 148, An Act empowering the Board of Supervisors of Shasta County to allow the account of J. C. Hinckley & Co., for publishing certain Delinquent Tax Lists;

Also, Senate Bill, No. 149, An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax, for the purpose of assisting the San Joaquin Valley District Agricultural Society.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 148, 149, and 150, above reported, were read first and second times, rules suspended, read third time and passed.

NOTICES OF BILLS.

Mr. Howe gave notice of a bill for An Act to create a Contingent Fund for Tuolumne County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lambert, An Act amendatory of, and supplementary to, "An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five;

Also, An Act amendatory of an Act entitled "An Act amendatory of, and supplementary to, 'An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same,'" approved May third, one thousand eight hundred and fifty-five, approved March twenty-eighth, one thousand eight hundred and fifty-seven—

Were read first and second times, and referred to the Committee on Education.

By Mr. Hammond, An Act to Regulate the Fees in Office in Mariposa County.

Read first and second times, and referred to the Mariposa Delegation.

By Mr. Stevenson, An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and to create a Contingent Fund.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Coombs, An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the foot of Main Street, in Napa City, in the County of Napa.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Welty made the following report:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 76, An Act supplemental to "An Act to authorize the sale of certain Real Estate by Guardians," approved twenty-eighth of March, one thousand eight hundred and fifty-nine, and recommend the passage thereof, without amendment.

D. W. WELTY,
On behalf of Committee.

Assembly Bill, No. 193, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to regulate Proceedings in Criminal Cases in this State,'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven—

The rules having been suspended, were considered engrossed, read third time and passed.

Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight, and also to amend an Act approved April eighteenth, one thousand eight hundred and fifty-dine, entitled "An Act amendatory of 'An Act to provide for the Sale and Reclamation of Swamp and Overflowed Lands in this State,'" approved April twenty-first, one thousand eight hundred and fifty-eight—substitute adopted, and ordered engrossed.

Mr. Hugg made the following report:

Mr. SPEAKER:—The undersigned, of the Special Committee to whom was committed the investigation of the subject matter of the Kibbe Tehama and Pitt River Expedition of one thousand eight hundred and fifty-nine, under instructions from the House, now report:

That the testimony taken before the committee, as well as the papers accompanying the same, herewith reported, reveal such a wanton disregard of the public interests in the initiation and conduct of the so called "Indian War," as to merit the condemnation of every good citizen. It is sufficiently shown by the investigation made by the committtee, that the bill for the payment of the "war" above referred to, should not be passed in its present shape. The suppression of investigation by the House, in the face of the accompanying evidence and papers, the substance of which was stated by members of the committee, is an act which cannot pass without entering against the same our solemn protest.

HUGG,
CONNESS,
J. W. HARVILLE.

Mr. Lovel offered the following resolution:

Resolved, That Assembly Bill, No. 116, be referred back to the Special Committee of five appointed on said bill, with instructions to report on Wednesday next upon the correctness of the vouchers upon which this bill is predicated.

On motion of Mr. Fairchild, at fifteen minutes past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 24th, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
Roll called.
The following member was absent, viz: Mr. Halsted.
Messrs. Johnson of Amador, and Hundley, had leave of absence for one day each, Mr. Halsted indefinite leave, and Mr. Curtis for two days, and Mr. Speaker for three days.
Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:
By Mr. Goodman, Of Thomas C. Ferris, for law conferring further power upon the Board of Supervisors of Sacramento County.
Referred to Sacramento Delegation.

REPORTS.

Reports were made as follows:
By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 206, An Act amendatory of, and supplementary to, "An Act authorizing the Guardian or Guardians of certain Minors to sell and dispose of their Real Estate and Chattels Real," approved April eighth, one thousand eight hundred and fifty-nine, have had the same under consideration, and a majority of your committee report the bill back, and recommend its passage;
Also, Assembly Bill, No. 217, An Act supplementary to "An Act for the Formation of Corporations for certain purposes," approved April fourteenth, one thousand eight hundred and fifty-three, is reported back, and its passage recommended;
Also, Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same, is reported back with the recommendation that it do not pass.

WILLIAMS,
Chairman.

By Mr. Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 18, An Act to authorize Martha Buckelew and her assigns, to build a Wharf at Agnes Island, in Marin County, have considered the same, and I am instructed to report it back, and recommend its passage;
They have also considered Assembly Bill, No. 124, An Act to authorize J. C. Cissna, to construct a Breakwater and Wharf at the Port of San Luis Obispo, and providing for the same, and report it back and recommend its passage.

HENRY,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment, have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 189, An Act to authorize the sale of the Real Estate of the late Joel Allen, deceased;

Also, Assembly Bill, No. 82, An Act to create the County of Alturas, define the Boundaries and provide for its Organization.

BEN. T. O'REAR,
For the Committee.

By Mr. Sawyer:

Mr. SPEAKER:—The Committee on Mileage beg leave to report the following amounts due to Special Capital Committee, to wit:

Names.	Miles.	Amount.
Mr. Bailey of Tuolumne	254	$50 80
Mr. Walden	234	46 80
Mr. Henry	234	46 80
Mr. Curtis	300	60 00
Total		

The committee further beg leave to report the following resolution and recommend its passage:

Resolved, That the Controller of State be authorized to draw his warrant for the sum of fifty dollars and eighty cents in favor of Bailey of Tuolumne, and forty-six dollars and eighty cents in favor of Walden, and forty-six dollars and eighty cents in favor of Henry, and sixty dollars in favor of Curtis, members of the Special Capitol Committee, payable out of the Contingent Fund of the Assembly.

SAWYER,
Chairman.

On the adoption of the resolution, Messrs. Hugg, Laspeyre, and Goodman, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Burson, Campbell, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Gallagher, Groom, Haliday, Hammond, Hayes, Heston, Howe, Jenkins, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Theller, Tilton, Warner, Welty, Wescott, White, Wilkins, Williams, Wilson, Yager, and Yancey —53.

NOES—Messrs. Conness, Goodman, Harville, Hawley, Hugg, and Stone —6.

By Mr. Warner:

Mr. SPEAKER:—Your committee, having had under consideration Assembly Bill, No. 20, An Act regulating Prosecutions in cases of Bastardy, and to provide for the support of Illegitimate Children, have arrived at the conclusion that it is inexpedient at this time to pass this bill, and have instructed me to make the following report:

In considering this bill, your committee have kept in view the great objects sought to be accomplished by legislation on the subject embraced in it, and for which purpose it has been framed and submitted to this House.

To elevate the standard of public morals, to refine society and provide for the support and education of the fatherless children, are praiseworthy and noble objects, worthy the action of all legislative bodies, and to the attainment of which every philanthropist will give his constant support. While fully recognizing this principle, your committee believe that the attempt to force a code of morals upon a people by legislative enactment, has ever been attended with serious difficulty, and which, under our form of government, has not only met with grave objections, but has usually proved inoperative.

While sister States of this Union have provided by law for the detection and exposure of fathers of illegitimate children, and have adopted measures to compel such fathers to save the State harmless for the care, maintenance and education of their unacknowledged offspring, your committee have not arrived at the conclusion that the condition of society in California is such as to require similar legislation.

Not forgetting the two-fold object of this bill—improvement of the morals of society and protection to the State—your committee entertained serious doubts whether the system proposed to be inaugurated by this bill would have the effect to refine society by advancing the scale of morality, or whether, under the circumstances which at present exist and control the social condition of the people, the State requires any protection from the risk of being compelled to maintain and support illegitimate children, or their mothers.

The humiliation which the unfortunate mother must undergo in order to save herself and the State from the care and support of her offspring which has no legally responsible father is not calculated to inspire her mind with those feelings of superiority, or equality and self-respect, so necessary to the successful cultivation of a high and irreproachable state of morals.

Your committee would express the opinion that so long as the present relative proportion of males and females shall continue, the risk that the mother or child will become a charge upon the State is too remote to require any action by this Legislature.

Your committee would, therefore, recommend that the bill should not pass.

J. J. WARNER,
Of Committee on Public Morals.

By Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Senate Bill, No. 66, have had the same under consideration and beg leave to report it back to the Assembly, with certain amendments, and recommend that, as amended, it do pass;

Also, Assembly Bill, No. 227, and report the same back to the Assembly with amendments, and recommend that, as amended, it do pass.

SAWYER,
For Delegation.

By Mr. Lawrence:

Mr. SPEAKER:—The undersigned, minority of the special committee, to whom was referred the bill appropriating moneys to defray the expenses of what is known as the Pitt River Indian War, of one thousand eight hundred and fifty-nine, under instructions of the House to report within four days, respectfully report:

First—That they believe the intention of the Assembly, when they referred the bill to them, was, that they examine into the correctness of the claims asked to be paid, as specified in the bill, and not to examine into the causes and expediency of the Pitt River Indian War, of one thousand eight hundred and fifty-nine. A majority of the committee believing an investigation of that whole war imperative, we proceeded to examine persons and papers.

Second—That from the evidence of persons testifying before them, and by the examination of official documents in their possession, and from the fact of the numerous murders and loss of property in Tehama County, in consequence of the hostility of the barbarous savages of the Pitt River country, occurring immediately preceding the organization of this expedition, they are convinced that the war was one of necessity, and that Governor Weller would have been highly censurable had he not afforded the protection to life and property asked for by the citizens of Tehama County, in their numerous petitions to his Excellency.

Third—We cannot report upon the merits of the bill, as we were unable, by the course pursued by a majority of the committee, to examine any of the accounts or vouchers necessary to a knowledge of its correctness.

Fourth—We, by no means, indorse the severity of terms in which the majority report is couched.

Fifth—We earnestly request the House to examine the papers and testimony submitted by the Chairman of the committee, in evidence of what is herein stated. All of which is most respectfully submitted.

A. C. LAWRENCE,
D. W. WELTY.

By Mr. Gallagher:

Mr. SPEAKER:—The delegation from Calaveras County, to whom was referred Assembly Bill, No. 202, An Act abolishing the Office of County Assessor, and establishing the Office of Township Assessors, in the County of Calaveras, have had the same under consideration, and herewith return the bill, together with a substitute, and recommend the passage of the substitute.

P. A. GALLAGHER,
For the Delegation.

RESOLUTION.

Mr. Smith of Nevada, offered Concurrent Resolution, against naming new Territory "Nevada."

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 24, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 145, An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds;

Also, Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to Fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight.

JOHN G. DOWNEY,
Governor.

NOTICES OF BILLS.

Notice of the introduction of bills were given as follows:

By Mr. Jenkins, An Act to create a Board of Water Commissioners in the County of Merced, and to define their Duties.

By Mr. Sawyer, An Act to define the Boundaries of Marin County.

INTRODUCTION OF BILL.

Mr. Goodman introduced a bill for An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to Audit, a claim of Thomas C. Ferris.

Read first and second times, and referred to the Sacramento Delegation.

RESOLUTION.

Mr. Welty offered the following resolution:

Resolved, That Assembly Bill, No. 116, be refered to a special committee of five, to examine and report upon the justness and correctness of the vouchers upon which the same is predicated, on Monday next.

To which Mr. Shannon offered as an addition, and be it further:

Resolved, That all correspondence, communications, papers, etc., reported by the special committee, on yesterday, to this House, relative to the Tehama War or Kibbe Expedition, be referred to the Committee on Indian Affairs, and that said committee be authorized to proceed with a continuation of the investigation, and shall have power to send for persons and papers.

Mr. Welty accepted the addition to the resolution, offered by Mr. Shannon.

Mr. Burson demanded the previous question.

Upon which Messrs. Conness, Howe, and Laspeyre, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Burson, Campbell, Daggett, Goodman, Groom, Gwinn, Hammond, Hawley, Hayes, Henry, Heston, Howe, Jenkins, Johnson of Sierra, Kungle, Lambert, Lewis, Lovel, Makins, McDermit, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne,

Sawyer, Smith of Nevada, Smith of Sutter, Welty, Wescott, White, Wilkins, and Yager—35.

Noes—Messrs. Bailey of Santa Clara, Conn, Conness, Coombs, Crowell, Ellis, Fairchild, Gallagher, Haliday, Harville, Hugg, King, Laspeyre, Lawrence, O'Connor, Schmidt, Shannon, Starr, Stevenson, Stone, Swan, Theller, Tilton, Warner, and Wilson—25.

The resolution was adopted, and the following committee appointed, viz: Messrs. Lovel, Lambert, Wescott, Henry, and Swan.

The Speaker *pro tem.* suggested that a doubt existed as to whether the action of the House was correct on Saturday last, in adopting the resolution offered by Mr. Conness in relation to the Speaker *pro tem.*, in as much as the vote thereon had not been by ballot, whereupon the vote was taken, with the following result:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Bell, Burson, Campbell, Conn, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Groom, Gwinn, Haliday, Hammond, Hawley, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, McDermit, O'Connor, O'Rear, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Starr, Theller, Tilton, Warner, Welty, Wescott, White, Wilkins, Wilson, and Yager—54.

Noes—Mr. Swan—1.

The following report was made by Mr. Henry:

Mr. Speaker:—The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 234, An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the foot of Main Street, in Napa City, in the County of Napa, have considered the same, and I am instructed to report it back, and recommend its passage.

HENRY,
Chairman.

February 24, 1860.

Mr. Howe offered a bill for An Act creating a Contingent Fund for the County of Tuolumne.

Read first and second times, and referred to the Tuolumne Delegation.

GENERAL FILE.

Assembly Bill, No. 61, An Act to appropriate money to pay R. A. Thompson and Ferris Forman, for services and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six—

Mr. Warner moved a call of the House, which was sustained, and the following members were absent, viz:

On motion of Mr. Lambert, further proceedings were dispensed with.

Mr. Conness offered the following resolution:

Resolved, That the bill now before the House be made the special order for Tuesday next, at one o'clock, p. m., and that the Clerk of the Assem-

bly be requested to obtain copies of the opinions of the Board of Examiners in relation to the claim for the information of the House.

Adopted.

SPECIAL ORDER.

Assembly Bill, No. 75, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath—

Mr. Henry moved a call of the House.

Lost

Mr. Conness offered the following resolution:

Resolved, That the bill under consideration be referred to a committee of five, with instructions to report a substitute embracing provisions requiring a suspension of business on the first day of the week as a civil regulation.

Upon which, Messrs. Conness, Howe, and Crowell, demanded the ayes and noes, and the resolution was adopted by the following vote:

AYES—Messrs. Bell, Conn, Conness, Coombs, Crowell, Gallagher, Goodman, Hawley, Hayes, Hugg, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Lovel, McDermit, O'Connor, Sawyer, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Warner, Welty, Wescott, White, Wilkins, Wilson, and Yager—35;

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Burson, Campbell, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Groom, Gwinn, Haliday, Hammond, Harville, Henry, Howe, Jenkins, King, Lewis, Makins, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Swan, and Yancey—27.

GENERAL FILE RESUMED.

Substitute for Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases—

Mr. Wescott moved to recommit to Special Committee, with instructions to strike out Yuba County.

Lost.

Mr. Shannon moved to adjourn.

Lost.

By unanimous consent of the House, the word "Napa" was stricken out, and "San Luis Obispo and Calaveras," inserted in the fourth section of the bill.

Mr. Wilkins moved to commit the bill to a Select Committee, with instructions to report a provision to pay the witnesses on the part of the defense in the same manner as those of the prosecution, and to include Sonoma County in the provisions of the bill.

Lost, and the bill was passed.

Mr. Daggett, from the Enrolling Committee, made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 153, An Act fixing the time of holding the Court of Sessions and County Court in the County of Sacramento.

JOHN DAGGETT,
Chairman.

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 204, An Act to fix the Compensation of the County Judge of Tuolumne County.

JOHN DAGGETT,
Chairman.

The Chair announced as Special Committee on Sunday Law, Messrs. Conness, Wilson, Smith of Nevada, Schmidt, and Lewis.

At half-past two, P. M., on motion of Mr. Schmidt, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 25th, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
Roll called.
The following members were absent, viz: Messrs. Coombs, Goodman, Groom, and Smith of Nevada.
Mr. Wilson had indefinite leave of absence, Messrs. Beach and Hundley for two days each, Mr. Dunlap for one day, the Special Indian Committee for three days, and Mr. Coombs for one day.
The Journal of yesterday was read and approved.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Gallagher:

Resolved, That Assembly Bill, No. 225, be taken from the file and referred to the Committee on Mines and Mining Interests.

Adopted.
By Mr. Howe:

Resolved, That the Sergeant-at-Arms be, and is hereby, authorized to purchase such stationery as may be needed for the use of the Assembly, and which cannot be procured in the office of the Secretary of State, payable out of the Contingent Fund of the Assembly, the same to be approved by the Committee on Accounts and Expenditures.

REPORTS.

Reports were made as follows:
By Mr. Laspeyre:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly Bill, No. 217, An Act to exempt Persons who are, or may hereafter become, Members of a Fire Company, from the Payment of a Poll Tax, having had the same under consideration, after proposing

certain amendments thereto, report the same back without any recommendation.

LASPEYRE,
Chairman.

By Mr. Yager:

Mr. SPEAKER:—The Committee on Education, to whom was referred Assembly Bill, No. 85, entitled An Act to provide for the disposal of the Sixteenth and Thirty-sixth Sections of Land donated to this State for School purposes—report the same back, and recommend its passage;

Also, Assembly Bill, No. 73, entitled An Act to amend "An Act to provide for the Sale of the Sixteenth and Thirty-sixth Sections of Land donated to this State for School purposes," report the same back, and recommend its indefinite postponement;

Also, Assembly Bill, No. 219, An Act to establish a Teachers' Institute, report the same back with amendments, and recommend its passage.

C. YAGER,
Chairman.

By Mr. Jenkins:

Mr. SPEAKER:—Your Committee on Public Lands, to whom was referred Assembly Bill, No. 216, An Act amendatory of an Act entitled "An Act concerning the Office of Secretary of State," passed May fourth, one thousand eight hundred and fifty-four, passed March twenty-sixth, one thousand eight hundred and fifty-nine, have had the same under consideration, and beg leave to report the same back with its passage recommended.

JENKINS,
Chairman.

By Mr. Bell:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways, where the same cross Streams that become Dry or Fordable at any season of the year, throughout the State, have considered the same, and report the same back with a substitute, and recommend the passage of the substitute.

JOHN C. BELL,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, February 24th, 1860.

Mr. SPEAKER:—The Senate this day refused to adopt the first Assembly amendment to Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act Granting the Right of Way over certain Lands of this State in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight, and have concurred in the second Assembly amendment with an amendment, and have also concurred in the third Assembly amendment.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House receded from the first Assembly amendment to Senate Bill,

No. 36, above reported, and concurred in Senate amendment to the second Assembly amendment.

SENATE CHAMBER,
Friday, February 24th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 152, An Act authorizing the Board of Supervisors of Sierra County, to levy certain Taxes for County purposes, for the year one thousand eight hundred and sixty;

Also, Senate Bill, No. 153, An Act to authorize the Board of Supervisors of Del Norte County to levy an Additional Tax for County purposes;

Also, Assembly Bill, No. 204, An Act to fix the Compensation of the County Judge of Tuolumne County.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 152, above reported, read first and second times, and referred to the Sierra Delegation.

Senate Bill, No. 153, above reported, read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Friday, February 24th, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 124, An Act to provide for the Correct Report and Publication of the Decisions of the Supreme Court;

Also, Senate Bill, No. 88, An Act appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society;

Also, Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, Deceased, to sell Real Estate of her Testator, at Private Sale.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, Nos. 105 and 124, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 88, above reported, read first and second times, and referred to the Committee on Public Morals.

The House concurred in Senate amendments to Assembly Bill, No. 137, above reported.

SENATE CHAMBER,
Friday, February 24th, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 115, An Act to protect Female Children, under seventeen years of age;

Also, Senate Bill, No. 128, An Act amendatory of, and supplementary to, "An Act authorizing the Guardian or Guardians of certain Minors to sell and dispose of their Real Estate and Chattels Real," passed April eighth, one thousand eight hundred and fifty-nine.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 128, above reported, read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Saturday, February 25, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill. No. 132, An Act defining the number of Justices of the Peace in the City and Township of Placerville;

Also, Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustian C. Gillman, against the County of Contra Costa;

Also Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the Seventeenth Judicial District, in the County of Plumas."

DAVID J. WILLIAMSON,
Assistant Secretery.

Senate Bill, No. 90, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 132, above reported, read first and second times, and referred to the El Dorado Delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Williams, An Act to provide for the Construction of a State Capitol at San José, the Constitutional and Legal Seat of Government of this State.

By Mr. Sawyer, An Act concerning Primary Elections.

By Mr. Johnson of Amador, An Act to provide for the Dissolution of Copartnerships, in the Courts of Justices of the Peace.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sawyer, An Act to define the Limits and Boundaries of the County of Marin.

Read first and second times, and referred to the San Francisco and Marin delegations.

By Mr. Warner, An Act to further amend "An Act relating to Marriages," passed April twenty-second, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Jenkins, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Johnson of Amador, An Act to Change the Names of certain Persons therein named.

Read first and second times, and referred to the Judiciary Committee

REPORTS.

Reports were made as follows:

By Mr. Rodgers of Tuolumne:

Mr. SPEAKER:—The Tuolumne Delegation, to whom was referred Assembly Bill, No. 237, report the same back with an amendment, and recommend its passage as amended.

RODGERS,
For the Delegation.

By Mr. Hammond:

Mr. SPEAKER:—The Mariposa Delegation, to whom was referred Assembly Bill, No. 232, An Act to Regulate the Fees of Officers in Mariposa County, have had the same under consideration, and beg leave to report the same back with an amendment, and recommend its passage as amended.

J. B. HAMMOND,
For the Delegation.

Mr Welty was excused from serving on the Committee on Ways and Means, and Messrs. Warner and Rogers of San Francisco, were added to the Committee.

On motion of Mr. Conness, at forty-five minutes past twelve o'clock the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 27, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
The Roll was called.
Quorum present.
The Journal of Saturday was read and approved.
Leave of absence was granted as follows:
To Mr. Conn, indefinite leave, Mr. Beach, for two days, and Messrs. Dunlap, Tilton, Goodman, and Coombs, for one day each.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Hayes:

Resolved, By the Assembly, the Senate concurring, that this Legislature will adjourn *sine die*, on or before the fifth day of April, one thousand eight hundred and sixty.

Lost.
By Mr. McDermit:

Resolved, By the Assembly, the Senate concurring, that the resolution of January seventh, granting John S. Dudley, County Clerk of Siskiyou County, leave of absence from this State for the period of four months from the date of the passage of the resolution, be so amended as to read, four months leave of absence from this State, any time during the year of one thousand eight hundred and sixty.

Adopted.
By Mr. Shannon:

Resolved, As a standing rule of this House, that from and after this day, the first two hours after the reading of the minutes of each day's session, shall be devoted exclusively to the consideration of bills on the general file.

Laid over one day under the rule.

By Mr. Wilkins:

Resolved, That the message of the Governor, relative to the Indian War in Mendocino County, with the accompanying documents, be taken from the file, and referred to the Standing Committee on Claims.

The Governor's message and papers, in relation to the Indian War, was referred to the Judiciary Committee.

Mr. Laspeyre presented a remonstrance against the organization of Mokelumne County.

Placed on file.

REPORTS.

Reports were made as follows:

By Mr. Babcock:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 209, An Act to provide for the Improvement of the Navigation of the San Joaquin River, beg leave to report the same back and recommend its passage.

J. BABCOCK,
A. J. KING,
T. M. HESTON.

By Mr. Jenkins:

Mr. SPEAKER:—Your committee, to whom was referred Joint Resolution, No. 50, have had the same under consideration, and beg leave to report the same back, and recommend its adoption.

JENKINS,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Substitute for Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of Swamp and Overflowed Lands in this State";

Also, substitute for Assembly Bill, No. 46, An Act amendatory of, and supplementary to, an Act passed April nineteenth, one thousand eight hundred and fifty-six, concerning Estray Animals;

Also, Assembly Bill, No. 193, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to Regulate Proceedings in Criminal Cases in this State,'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to Regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 235, An Act authorizing the Board of Supervisors of Tehama County to levy certain Taxes in said County, and to create a Contingent Fund;

Also, Assembly Bill, No. 215, An Act to Fund the Debt of the County of Sonoma, and provide for the Payment of the same.

BEN. T. O'REAR,
For the Committee.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 146, An Act in Relation to the Mountain Lake Water Company.

JOHN DAGGETT,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Welty, An Act for the Relief of Purchasers of Swamp and Overflowed Lands, School Lands, and other Lands, from the State of California.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Wescott, An Act to Regulate the Care and Maintenance of the Indigent Sick, in and for the County of Yuba.

Read first and second times, and referred to the Yuba Delegation.

By Mr. Babcock, An Act to change the name of Chalkley P. Lolor to Charles P. Lolor.

Read first time.

GENERAL FILE.

Senate Bill, No. 45, An Act to Audit and Allow the Claim of Briton & Rey—read third time, and—

On its passage Messrs. Jenkins, Hayes, and Howe, demanded the ayes and noes, and the bill passed by the following vote:

AYES—Messrs. Babcock, Bowman, Burson, Covarrubias, Ellis, Goodman, Hawley, Heston, Howe, Jenkins, Johnson of Sierra, Kungle, Lawrence, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Sutter, Starr, Stevenson, Theller, Warner, Watson, Yager, and Yancey—28.

NOES—Messrs. Bailey of Santa Clara, Bell, Crowell, Gallagher, Gwinn, Hammond, Harville, Hayes, Hugg, Johnson of Amador, King, Laspeyre, Lewis, Makins, McDermit, O'Connor, Smith of Nevada, Stone, Welty, White, Wilkins, and Williams—22.

Also, Senate Bill, No. 93, An Act to authorize the City and County of San Francisco, to settle certain claims—read third time and passed;

Also, Senate Bill, No. 9, An Act to afford protection to Immigrants to California—read a third time, and—

On its passage Messrs. Rogers of San Francisco, Burson, and Lawrence, demanded the ayes and noes, and the bill was passedb y the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Covarrubias, Ellis, Goodman, Gwinn, Hammond, Jenkins, Johnson of Sierra, Laspeyre, Makins, O'Rear, Pate, Rogers of San Francisco,

Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Warner, Welty, White, Wilkins, Williams, Yager, and Yancey—29.

Noes—Messrs. Burson, Crowell, Fairchild, Harville, Hawley, Hayes, Kungle, Lawrence, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Shannon, and Watson—18.

Mr. Warner gave notice of reconsideration.

Also, Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims—committee amendments adopted and ordered engrossed;

Also, Assembly Bill, No. 217, An Act supplementary to "An Act for the formation of Corporations for certain purposes," approved April fourteenth, one thousand eight hundred and fifty-three—rules suspended and considered engrossed and placed at foot of file;

Also, Senate Bill, No. 131, An Act to change the name of Andrew Jackson Knecttle, to Andrew Jackson Brewer—read third time and passed;

Also, Assembly Bill, No. 191, An Act to change the name of Charles Pearce, to Charles Greenwich Howard—rules suspended, considered engrossed, read third time and passed.

SPECIAL ORDER.

Assembly Bill, No. 82, An Act to create the County of Alturas, define the Boundaries, and provide for the Organization thereof—the special order of the day, was taken up and made special order for Thursday, at one o'clock, P. M.

Also, Senate Bill, No. 131, An Act to provide for the building of a Turnpike, or Graveled Road, in Santa Clara County—read third time and passed.

Also, Assembly Bill, No. 140, An Act to repeal an Act entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty, and the several acts amendatory thereto—indefinitely posponed;

Also, Assembly Bill, No. 102, An Act to repeal all acts or parts of acts amendatory of an Act entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty—substitute proposed by committee adopted, and bill ordered engrossed;

Also, Assembly Bill, No. 188, An Act amendatory of an Act entitled "An Act to amend 'An Act to provide Revenue for the support of the Government of this State,'" passed May fifteenth, one thousand eight hundred and fifty-four, approved April seventeenth, one thousand eight hundred and fifty-five—substitute of committee adopted, vote reconsidered, substitute rejected, rules suspended, bill considered engrossed, read third time and passed.

On motion of Mr. Conness the House resolved itself into Committee of the Whole, to consider Assembly Concurrent Resolution, No. 118, Relative to the Segregation of the Southern portion of the State—committee rose and reported the resolution back to the House, resolutions made the special order for March second, one thousand eight hundred and sixty, at one o'clock.

Assembly Bill, No. 163, An Act to confer further powers upon the Board of Education, and the Auditor and Treasurer of the City and County of San Francisco, also amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An

Act to confer further powers upon the Board of Supervisors, Auditor, and County Treasurer, of the City and County of San Francisco, and to authorizo them to perform certain acts, herein mentioned,"—amendments adopted and ordered engrossed.

Mr. Smith of Nevada gave notice of an amendment to the nineteenth rule of the House in the following words:

27. A Committee on Change of Names, to consist of five members.

Also, the amendment to following rule thirty as follows:

It shall be the duty of the committee in charge of names to consider all petitions for change of names and report thereon in a single report, to be made not later than one week before the time fixed for final adjournment.

RESOLUTION.

The following resolution was offered by Mr. Fairchild:

Resolved, That in view of the approaching assembling of the Democratic State Convention, to be held in this city on Wednesday, the twentieth instant, this House, when it adjourns on Tuesday, the twenty-eighth instant, do stand adjourned to Thursday morning at eleven o'clock, A. M., with the express provision that each member, including each of the attachés, over twenty-one years of age, of the House, whose services are by reason of such adjournment dispensed with, be required to donate their per diem allowance to the Dashaway Association of San Francisco, and that Messrs. Schmidt and Tilden, of the San Francisco Delegation, be appointed a committee to receive said donation and forward the same to the officers of said Dashaway Association. All of which is respectfully submitted.

Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Monday, February 27, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 143, An Act for the relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, deceased;

Also, Senate Bill, No. 144, An Act fixing the time of holding the Court of Sessions and County Court in the County of Del Norte;

Also, Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across Feather River," approved April twenty.sixth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 126, An Act to amend an Act entitled "An Act concerning the office of Public Administrator and making it elective," approved April fifteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 210, An Act to amend an Act entitled "An Act to incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 235, An Act to authorize the Board of Supervisors of Tehama County to create a Contingent Fund;

Also, Senate Bill, No. 160, An Act to authorize the Board of Supervi-

sors of Shasta County to audit and allow the Clerk of the Court of Sessions additional pay for services in certain cases.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 160, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 126, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill, No. 73, above reported, read first and second times and referred to the Yuba and Sutter Delegation.

Senate Bill, No. 144, above reported, read first and second times and referred to the Del Norte Delegation.

Senate Bill, No. 143, above reported, read first and second times and referred to the San Francisco Delegation.

GENERAL FILE RESUMED.

Assembly Bill, No. 178, An Act to compensate William Greenhood for Translating certain Laws and Resolutions of the Tenth Session of the Legislature into the Spanish language—considered in Committee of the Whole, reported and passage recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 57, An Act to prohibit the sale and disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider—read third time and passed.

The House refused to order engrossed Assembly Bill, No. 128, An Act to amend "An Act to regulate Proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty—substitute adopted and ordered printed.

Senate Bill, No. 18, An Act to authorize Martha Buckelew and her assigns to build a Wharf at Agnes Island, in Marin County—read third time and passed.

The House refused to order engrossed Assembly Bill, No. 172, An Act to amend Article 907 of the Practice Act as compiled in Wood's Digest;

Also, Assembly Bill, No. 25, An Act to amend an Act entitled "An Act to amend section twenty of an Act entitled 'An Act to regulate Proceedings in the Courts of Justice of this State,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, passed March twenty-fourth, one thousand eight hundred and fifty-eight.

Mr. Shannon moved to adjourn.

Lost.

Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County—rules suspended, considered engrossed, read third time and passed.

On motion of Mr. Kungle, at half past two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 28th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
Journal of yesterday read and approved.
Mr. Hundley and Special State Prison Committee had indefinite leave of absence.
The resolution offered on yesterday by Mr. Shannon, relative to change of order of business, was adopted.

PETITIONS.

Petitions were presented as follows:
By Mr. Johnson of Amador, Of citizens of Amador County for donation to Sisters of Mercy of San Francisco.
Placed on file.
By Mr. Bailey of Tuolumne, Of citizens of Folsom relative to removal of Capital.
Referred to Special Capital Committee.

REPORTS.

Reports were made as follows:
By Mr. Laspeyre:

Mr. SPEAKER:—Your committee, to whom was referred Senate Bill, No. 32, entitled An Act to Exempt from Taxation Property of the Masonic Hall Association, have had the same under consideration, and recommend that it do not pass.

LASPEYRE,
Chairman.

By Mr. Wilkins:

Mr. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly Joint Resolution, No. 52, Relative to cession of certain Territory to the State of California, by the Federal Government, have had the same under consideration, and report the same back, with a recommendation that the resolution do pass.

WILKINS,
Ch'm Com. on Federal Relations.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, from February twenty-first, up to the twenty-eighth, and find it as follows:

Character of Work.	Folios.	Amount per Folio.	Amount.
Journal and Appendix	1,005	15 cts.	$150 75
Copying for Printing	3,520	10	352 00
Totals..	4,525		$502 75

C. McDermit,
Chairman.

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be hereby authorized to draw his warrant in favor of the Chief Clerk, J. M. Anderson, for the sum of five hundred and two dollars and seventy-five cents, payable out of the Copying Fund of the Assembly.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 27, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 146, An Act in Relation to the Mountain Lake Water Company,

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE OF THE BOARD OF EXAMINERS,
Sacramento, February 28, 1860.

To the Honorable the Assembly of California:

I herewith transmit to your Honorable Body a copy of the decisions of the Board of Examiners in the case of R. Augustus Thompson *vs.* The State of California, and also in the case of F. Forman *vs.* The State of California.

Very respectfully,
JOHN G. DOWNEY,
President Board of Examiners.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, February 25th, 1860.

Mr. SPEAKER:—The Senate, on Saturday, passed Senate Bill, No. 95, An Act for Opening and Repairing Roads in the County of Sutter;

Also, Senate Bill, No. 136, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 147, An Act in relation to the Mountain Lake Water Company.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 95, above reported, read first and second times, and referred to the Sutter Delegation.

Senate Bill, No. 136, above reported, read first and second times, and referred to the Committee on Ways and Means.

The House concurred in Senate amendment to Assembly Bill, No. 12, above reported.

SENATE CHAMBER,
Tuesday, February 27th, 1860.

Mr. SPEAKER:—The Senate, on Saturday, passed Assembly Bill, No. 189, An Act to authorize the sale of the Real Estate of the late Joel Allen, deceased;

Also Assembly Bill, No. 104, An Act concerning Roads and Highways in the County of Nevada;

Also, Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River, at some point between Front and Seventh streets, in the City of Sacramento;

Also, Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries, for the Relief of the Indigent Sick, and to amend "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.

D. J. WILLAMSON,
Assistant Secretary.

Senate Bill, No. 5, above reported, read first and second times, and referred to the Committee on Hospitals.

Mr. Williams presented a petition of citizens of Gilroy for location of State Capital at that place.

Referred to Committee on State Capital.

Mr. Fairchild made the following report:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Senate Bill, No. 88, have had the same under careful consideration, acknowledging the praiseworthy efforts of the San Francisco Ladies Protection and Relief Society, praying for the appropriation of five thousand dollars in aid of their association out of the public funds now in the Treasury of the State, respectfully report the whole subject embraced in said bill for the consideration of the House, without expressing any opinion in reference to its adoption or rejection, leaving the subject open for each one to express his views thereon in Committee of the Whole House.

Respectfully submitted.

DAVID FAIRCHILD,
Chairman.

The amendment to the Standing Rules offered on yesterday by Mr. Smith of Nevada was adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Warner, An Act to Incorporate the City of Los Angeles.

By Mr. King, An Act to regulate the Fees of the County Clerk of Los Angeles County.

On motion of Mr. Warner, the vote by which the House on yesterday passed Senate Bill, No. 9, An Act to afford protection to Immigrants to California, was reconsidered, and the bill placed on file.

The Speaker announced as the Standing Committee on Change of Name: Messrs. Smith of Sutter, Patten, O'Rear, Haliday, and Stone.

Assembly Bill, No. 109, An Act to amend "An Act to prevent the trespassing of Animals upon Private Property," approved March thirty-first, one thousand eight hundred and fifty-five—read third time and passed.

SECOND READING OF BILLS.

Assembly Bill, No. 245, An Act to change the name of Chalkley P. Lolor to Charles P. Lolor—read a second time, and referred to Committee on Change of Names.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bailey of Tuolumne, An Act amendatory and supplementary to an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Walden, An Act amendatory of an Act entitled "An Act for the relief of Purchasers of Lands from the State of California," passed April eighth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Wilkins, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Welty, An Act to amend an Act entitled "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Daggett, An Act concerning the office of Assessor of Klamath County.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Halsted, An Act to legalize an order of the Board of Supervisors of the County of Santa Cruz, and all proceedings had thereunder, and dependant thereon.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Shannon, An Act to change the name of Edward Goetz to that of Edward Getz.

Read first and second times and referred to the Committee on Change of Names.

By Mr. Welty, An Act to prohibit the sale of Chinese Persons of either Sex.

Read first and second times and referred to the Judiciary Committee.

By Mr. Curtis, An Act to amend section ten of an Act entitled "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three.

Read first and second times and referred to the Committee on Corporations.

GENERAL FILE.

Assembly Bill, No. 197, An Act to authorize the Board of Supervisors of the City and County of San Francisco to convey certain Property to the State of California, and to make and issue certain Bonds;

And, also, Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants—

Ordered engrossed.

Assembly Bill, No. 187, An Act to create a Special School Fund and provide for the collection of the same—indefinitely postponed.

Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act, approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matter"—substitute adopted, considered in Committee of the Whole, reported with recommendation that it be referred to Committee on Ways and Means, and it was so referred.

SPECIAL ORDER.

Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman for services and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six.

Mr. Stevenson moved a call of the House and the following members were absent, viz:

The Sergeant-at-Arms was directed to bring in the absentees.

Mr. Sawyer moved to dispense with further proceedings under the call.

Lost.

Mr. Fairchild appeared at the bar of the House, was excused and admitted.

Mr. Stevenson moved to dispense with further proceedings under the call.

Lost.

Mr. Bailey of Tuolumne appeared at the bar of the House and was admitted.

Further proceedings under the call were dispensed with.

Bill read third time, and, on its passage, Messrs. Harville, Welty, and Crowell, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey, Beach, Bell, Conn, Covarrubias, Curtis, Daggett, Ellis, Groom, Heston, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Laspeyre, Lovel, Makins, O'Rear, Pate, Patten, Sawyer, Smith of Sutter, Stevenson, Swan, Watson, Welty, Wescott, Wilkins, Yancey, and Mr. Speaker—33.

NOES—Messrs. Bailey of Santa Clara, Bowman, Burson, Campbell, Conness, Coombs, Crowell, Dunlap, Fairchild, Gallagher, Goodman, Hali-

day, Hammond, Harville, Hawley, Hayes, Hugg, Lawrence, Lewis, McDermit, O'Connor, Rogers of San Francisco, Schmidt, Shannon, Smith of Nevada, Starr, Stone, Tilton, Warner, Williams, and Yager—31.

Mr. Daggett offered the following resolution:

Resolved, That when the House adjourns to-day it will adjourn over until Friday at eleven o'clock, A. M.

Upon which Messrs. Harville, Rogers of San Francisco, and Howe, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bell, Bowman, Conness, Covarrubias, Curtis, Daggett, Groom, Gwinn, Haliday, Hammond, Hawley, Heston, Howe, Jenkins, Kungle, Lambert, Lovel, O'Rear, Pate, Patten, Sawyer, Schmidt, Smith of Nevada, Stevenson, Stone, Tilton, Watson, Wescott, White, and Yancey—33.

NOES—Messrs. Bailey of Santa Clara, Beach, Burson, Campbell, Conn, Coombs, Dunlap, Ellis, Fairchild, Goodman, Harville, Hayes, Hugg, Johnson of Sierra, King, Laspeyre, Lawrence, Lewis, Makins, McDermit, O'Connor, Rogers of San Francisco, Shannon, Smith of Sutter, Starr, Swan, Warner, Welty, Wilkins, Williams, Yager, and Mr. Speaker—32.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, February 28th, 1860.

Mr. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 237, An Act creating a Contingent Fund for the County of Tuolumne, with an amendment.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly Bill, No. 237, above reported.

SENATE CHAMBER,
Tuesday, February 28th, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed March twenty-seventh one thousand eight hundred and fifty;

Also, Assembly Bill, No. 196, An Act for the Payment of J. Bithell;

Also, Senate Bill, No. 31, An Act appropriating Money for the Relief of Justus Hovey, Assignee of Thomas R. Eldridge;

Also, Senate Bill, No. 168, An Act to give immediate effect to an Act therein named.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 168, above reported, taken up, read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 31, above reported, read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
Tuesday, February 28th, 1860.

Mr. SPEAKER:—The Senate has this day passed Senate Bill, No. 166, An Act amending an Act entitled "An Act to Establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, one thousand eight hundred and fifty-eight.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 166, above reported, read first and second times, and referred to the San Francisco Delegation.

RESOLUTION.

Mr. Shannon offered the following resolution:

Resolved, That when the House adjourn it will adjourn to meet to-morrow at ten o'clock, A. M.

Lost.

At half past three o'clock, on motion of Mr. Stevenson, the House adjourned to Thursday next at eleven o'clock.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 1st, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
Roll called.
A quorum present.
Mr. Smith of Nevada, offered the following resolution:

Resolved, That those members of the Assembly who are Delegates to the Democratic State Convention have leave of absence for this day, and that in the consideration of the general file to-day, this House will pass no bills beyond their second reading, and reference to committees.

Laid on the table.

Mr. Shannon moved to adjourn.

Upon which, Messrs. Rodgers of Tuolumne, Smith of Nevada, and Goodman, demanded the ayes and noes, and the House adjourned by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Beach, Burson, Campbell, Crowell, Curtis, Ellis, Gwinn, Haliday, Harville, Hawley, Hayes, Hugg, Jenkins, Johnson of Sierra, Kungle, Lovel, McDermit, O'Rear, Pate, Patten, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Walden, Warner, Watson, Wescott, Wilkins, and Yager—39.

NOES—Messrs. Bowman, Conn, Conness, Fairchild, Groom, Makins, O'Connor, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Nevada, Swan, Welty, White, and Williams—14.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 2d, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Schmidt had leave of absence for three days.

GENERAL FILE.

The House refused to order engrossed Assembly Bill, No. 69, An Act to amend "An Act supplementary to an Act entitled 'An Act to Regulate Proceedings in Civil Cases,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, approved February twenty-first, one thousand eight hundred and fifty-nine, passed April second, one thousand eight hundred and fifty-nine.

Assembly Bill, No. 151, An Act to repeal an Act entitled "An Act to authorize Married Women to transact business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two.

On motion of Mr. Johnson of Sierra, the House took up Assembly Bill, No. 82, An Act to create the County of Alturas, define its Boundaries, and provide for the Organization thereof.

Read third time, and on its passage, Messrs. Shannon, Haliday, and O'Rear, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Beach, Burson, Campbell, Covarrubias, Crowell, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Halsted, Howe, Jenkins, Johnson of Sierra, Lawrence, Lewis, Malarin, Patten, Rodgers of Tuolumne, Shannon, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Walden, Watson, White, Williams, and Mr. Speaker—32.

NOES—Messrs. Bailey of Santa Clara, Bell, Bowman, Conness, Curtis, Gallagher, Haliday, Hammond, Harville, Hawley, Hayes, Heston, Hugg, Laspeyre, Makins, McDermit, O'Connor, O'Rear, Rogers of San Francisco, Smith of Nevada, Swan, Warner, and Yager—22.

Mr. Shannon gave notice of reconsideration.

REPORTS.

Reports were made as follows:
By Mr. Daggett:

Mr. SPEAKER—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 237, An Act creating a Contingent Fund for the County of Tuolumne.

JOHN DAGGETT,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 143, An Act to provide for the conveyance of Mining Claims;

Also, Assembly Bill, No. 191, An Act to change the name of Charles Pearce to Charles Greenwich Howard;

Also, Substitute for Assembly Bill, No. 102, An Act to repeal all Acts, or parts of Acts, amendatory of an Act entitled "An Act to establish a Standard of Weights and Measures;"

Also, Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County."

BEN. T. O'REAR,
For the Committee.

Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County—amendments adopted, read third time and passed.

The House refused to order engrossed Assembly Bill, No. 168, An Act concerning Partition Fences.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the Southern portion of the State, the special order of the day, was taken up.

Mr. Smith of Nevada, moved to recommit the resolution to the Committee on Federal Relations, with instructions to report a bill to repeal the Act passed April eighteenth, one thousand eight hundred and fifty-nine, entitled "An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State."

Mr. Shannon moved to refer the resolution to the Committee of the Whole House on Thursday, March eighth, at one o'clock, P. M.

Lost.

Mr. Ellis moved to indefinitely postpone the resolution.

Mr. Henry moved the previous question, which was sustained.

On the indefinite postponement of the resolution, Messrs. Conness, King, and Henry, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Campbell, Conn, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Goodman, Gwinn, Halsted, Hammond, Hayes, Howe, Jenkins, Johnson of Sierra, King, Laspeyre, Lewis, Malarin, O'Rear, Patten, Smith of Nevada, and Smith of Sutter—23.

NOES—Messrs. Bailey of Santa Clara, Beach, Conness, Coombs, Daggett, Fairchild, Harville, Hawley, Henry, Heston, Hugg, Johnson of Amador, Kungle, Lambert, Lawrence, Lovel, Makins, McDermit, O'Connor, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Tilton, Warner, Welty, Wescott, White, Williams, Yager, and Yancey—37.

On the adoption of the resolution, Messrs. Conn, Beach, and King, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Conness, Coombs, Crowell, Daggett, Gallagher, Goodman, Halsted, Hammond, Harville, Hawley, Henry, Heston, Hugg, Jenkins, Kungle, Lambert, Lovel, Makins, O'Connor, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Shat-

tuck, Starr, Stone, Tilton, Warner, Watson, Welty, Wescott, White, Williams, Yager, and Yancey—37.

Noes—Messrs. Campbell, Conn, Covarrubias, Curtis, Dunlap, Ellis, Fairchild, Gwinn, Hayes, Howe, Johnson of Amador, Johnson of Sierra, King, Laspeyre, Lawrence, Lewis, Malarin, McDermit, O'Rear, Patten, Smith of Nevada, Smith of Sutter, Stevenson, Swan, Walden, and Wilkins—26.

Mr. Warner gave notice of reconsideration.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Warner, An Act to regulate the Fees of the County Clerk of Los Angeles County.

Read first time.

By Mr. Rogers of San Francisco, An Act to provide for the improvement of the Harbor of the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation and ordered printed.

By Mr. Conness, An Act to repeal an Act entitled "An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State," approved April eighteenth, one thousand eight hundred and fifty-nine.

Read first time.

REPORT.

Mr. Rogers of San Francisco made the following report:

Mr. Speaker:—Your Committee on Public Expenditures and Accounts have examined the following accounts, viz:

Purpose.	Amount.
James Anthony & Co., for Daily and Weekly Unions furnished the Assembly to February 25th	$130 00
William Dougherty, for sundry Papers furnished the Assembly to March 1st	182 50
George T. Lytle, for sundry papers furnished the Assembly to March 1st	74 50
C. W. Tozer, for Humboldt Times furnished to the Assembly	9 00
Charles T. Botts, for Daily and Weekly Standards furnished to the Assembly to March 3d	128 50
Sacramento Gas Company, furnished Committee Rooms to February 25th	21 50
Z. L. Garwood, Rent for three Committee Rooms to March 1st	66 66
S. Friedman, for cleaning Water Closets, February 13th	10 00
Total	$622 65

And find the same correct and recommend its payment.

ROGERS, of San Francisco,
Chairman.

PETITIONS.

Petitions were presented as follows:

By Mr. Starr, Of J. H. Owens, for pay for Blankets.

Referred to Committee on Claims.

By Mr. Conness, Of citizens of Placerville, for donation to Sisters of Mercy.

Referred to Special Committee, viz: Messrs. Conness, Starr, and Warner.

By Mr. Laspeyre, Of citizens of San Joaquin County, against organization of new County.

Placed on file.

By Mr. Johnson of Amador, Of citizens of Poverty Bar and Lancha Plana, for free Bridge.

Referred to delegations from Amador and Calaveras counties.

By Mr. Welty, Of citizens of Sacramento and San Joaquin Counties, against creation of new County.

Ordered on file.

By Mr. Patton, Of citizens of El Dorado County, for Sunday Law;

Referred to El Dorado Delegation.

Mr. Welty offered the following resolution:

Resolved, that the Sacramento Delegation have power to send for persons and papers, in the consideration of Assembly Bill, No. 221.

Adopted.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee to whom was referred Senate Bill, No. 126, An Act to amend an Act entitled "An Act concerning the Office of Public Administrator, and making it elective," approved April fifteenth, one thousand eight hundred and fifty-four, have had the same under consideration, and report the bill back, and recommend its passage;

Also, Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Officers," approved April twenty-eighth, one thousand eight hundred and fifty-one, is reported back and its passage recommended;

Also, Senate Bill, No. 124, An Act to provide for the correct report and publication of the Decisions of the Supreme Court, is reported back with the recommendation that it pass;

Also, Senate Bill, No. 90, An Act providing for the payment of a judgment in favor of Trustum C. Gilman, against the County of Contra Costa, is reported back and its passage recommended;

Your committee have also examined Assembly Bill, No. 241, An Act to further amend "An Act relating to Marriages," passed April twenty-second, one thousand eight hundred and fifty, and report the same back and recommend that it do not pass;

Also, Assembly Bill, No. 239, An Act to change the name of certain persons therein named, is reported back, and your committee recommend it be referred to the Committee on the Change of Names.

WILLIAMS,
Chairman.

By Mr. Wilkins:

Mr. SPEAKER:—The undersigned, a Minority of the Judiciary Committee, make the following report on Assembly Bill, No. 124, entitled "An Act to provide for the correct report and publication of the Decisions of the Supreme Court," having had the same under consideration, beg leave to report the bill back to the House, and recommend that it do not pass.

WILKINS.

By Mr. Lovel:

Mr. SPEAKER:—The Special Committee to whom was referred Assembly Bill, No. 116, An Act appropriating money for the suppression of Indian Hostilities in the northern Counties of this State, with authority to inquire into the correctness and justness of the accounts, on which the bill is predicated, have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

Your committee further report that they have carefully examined each and every item in the vouchers presented for their consideration, numbering from one to one hundred and fifty-three, inclusive. They have reduced such items of accounts as to them appeared too exorbitant, either for goods, wares, and merchandise, furnished, or for services rendered, and have allowed in full such other accounts as appeared correct and just. It is proper to add here, that vouchers numbering from one hundred and thirty-nine, to one hundred and fifty-three, inclusive, have never been before the Committee on Claims of the Assembly, but were presented to your committee during its session, and acted upon, from the belief that full authority was vested in them to examine into all accounts connected with the appropriation asked for.

Your committee would further recommend the following rates of pay to the officers and privates engaged in the expedition, viz: for Captain, one hundred dollars per month; Surgeon, one hundred dollars; Commissary, eighty-five dollars; First Lieutenant, seventy-five dollars; Second Lieutenant, sixty-five dollars; Brevet Second Lieutenant, sixty dollars; Orderly Sergeant, fifty-five dollars; three Duty Sergeants, fifty dollars each; four Corporals, forty-five dollars each; Privates, forty dollars.

Your committee find that the total amount called for by the original bill, to be sixty-nine thousand four hundred and sixty-eight dollars and forty-three cents, which has been reduced in the bill, as amended, to the sum of sixty thousand four hundred and seventy-nine dollars and eighty-five cents, as will appear in an abstract marked "A," and to the Pay Roll, marked "B," herewith annexed, in which are shown the whole number of vouchers, from one to one hundred and fifty-three, inclusive, the original amount claimed, the amount reduced, and the amount as reduced.

While your committee thus recommend the passage of the bill as amended, in order that the faith of the State, as pledged by the Agents, may be redeemed and those persons remunerated who aided the State by their services and means, in suppressing the Indian hostilities, for which the appropriation is asked, yet your committee would most emphatically protest against the manner in which such expeditions have been carried on, believing as they do, that had they been conducted with economy and in accordance with strict military usage, that the State would not be called upon to give so large an amount toward the payment of Indian War Claims, which whatever their amount, your committee believe should be met in a spirit of equity and justice; yet these annual drains upon the

treasury should cease, and some system be adopted which, with a smaller expenditure of money from the public fund, would carry out the object designed, that of suppressing Indian depredations when they occur in any portion of the State.

Your committee will not elaborate upon these points, as they may be deemed to be touching upon matters not legitimately within the sphere of duty assigned, but your committee would again most earnestly recommend the adoption of a course by which the Indian policy of this State, as heretofore conducted, shall be entirely abolished.

Respectfully submitted,

S. W. LOVEL,
J. LAMBERT,
J. WESCOTT,
B. M. HENRY,
THOMAS M. SWAN.

ABSTRACT A.

Showing the amount of Claims against the State of California for Supplies, etc., furnished the late Expedition for the Suppression of Indian Hostilities in the Northern Counties of the State, as said Claims were originally presented, and as the same are recommended to be reduced and paid, by the Special Committee appointed February, one thousand eight hundred and sixty.

Vouchers.	Names.	Accounts.	Amount reduced.	Original amount.	Am't as reduced.
1	J. G. Doll	Meals	$490 27	$8,164 98	$7,674 71
2	J. G. Doll			3,157 40	3,157 40
3	J. G. Doll			1,337 10	1,137 00
4	J. G. Doll			117 00	117 00
5	J. G. Doll	Barley	6 55	660 39	653 84
6	J. G. Doll			9,562 00	9,562 00
7	J. G. Doll			905 00	905 00
8	J. G. Doll			341 75	341 75
9	J. G. Doll			112 00	112 00
10	J. G. Doll			98 25	98 25
11	J. G. Doll	Horses killed, horse hire	115 00	2,209 30	2,094 30
12	Carro & Galland			111 75	111 75
13	Chard & Finch			117 50	117 50
14	Knetzer & Crosby			1,185 03	1,185 03
15	Smith & Tanquang			342 69	342 69
16	Sam. D. Johns			81 30	81 30
17	C. E. Fisher			30 00	30 00
18	Wm. Hawley & Co	Flour	20 80	424 40	403 60
19	E. Waggoner	Service of Team	60 00	614 93	554 93
20	J. T. Taylor & Co			866 41	866 41
21	E. D. Hopelkiss			522 75	522 75
22	Hugh Mooney			88 00	88 00
23	—— Bunselmier			68 00	68 00
24	H. M. Long			56 50	56 50
25	J. D. Dowthet			45 00	45 00
26	A. G. Eastman	Meals and beds	9 00	29 20	20 20
27	W. Strong			6 00	6 00
28	Kaufman & Co	Meals	13 50	37 50	24 00
29	John Ellis	Services	53 34	171 62	118 28
30	Henry Landt	Services of Horses	26 66	104 16	77 50
31	F. Kausett	Meals	6 00	18 00	12 00
32	J. F. Winsell			113 35	133 38
33	R. J. Sherwood			33 98	33 98
34	Bracket & Keys			595 73	595 73
35	O. Sowers			14 40	14 00
36	J. B. Story	Hay and grain	3 10	17 50	14 40
37	—— Miller			5 00	5 00
38	T. B. Hickman			47 00	47 00
39	John Coburn	"Sleeping on hay"	3 50	45 00	41 50
40	John Fraland	Meals and barley	7 25	94 08	86 83
41	Furgueson & Co			34 43	34 43

Abstract A—(Continued)

Showing the amount of Claims against the State of California for Supplies, etc., furnished the late Expedition for the Suppression of Indian Hostilities in the Northern Counties of the State, as said Claims were originally presented, and as the same are recommended to be reduced and paid, by the Special Committee appointed February, one thousand eight hundred and sixty.

Vouchers.	Names.	Accounts.	Amount reduced.	Original amount.	Am't as reduced.
42	Northern Cal. Telegraph Co			42 88	42 88
43	W. J. Jones			19 55	19 55
44	John Johnson	Services of horse	15 00	48 00	33 00
45	W. G. Chard			261 00	261 00
46	B. V. Middleworth			131 10	131 10
47	James Summy			49 00	49 00
48	Hotel Internat'l, C. Haley			98 83	98 83
49	Harris & Pearce	In amount 25 per cent	6 94	27 75	20 81
50	James Moore		23 00	112 25	89 25
51	Philo Geer	In amount—team	15 00	45 00	30 00
52	Dr. W. R. Nichols	Surgical attendance	15 00	35 00	20 00
53	D. Sill	Meals	1 50	6 00	4 50
54	G. Lovelock			2 50	2 50
55	O. Hamlin		50	2 00	1 50
56	Dr. Keyes			25 00	25 00
57	Boyden & Meade			8 00	8 00
58	S. D. Lambert			15 00	15 00
59	E. Everett			20 12	20 12
60	E. Mulrooney	Barley	12 50	25 00	12 50
61	G. W. Cox			39 00	39 00
62	E. Durfer	Meals	2 00	10 90	8 90
63	H. Northup	Meals	1 50	35 00	33 50
64	Irwin Ayres	Meals 25 per cent	40 13	160 50	120 37
65	R. K. Dodge			30 24	30 24
66	Chard & Harvey	Flour	7 60	167 61	160 61
67	D. Sunderland & Co	Pasturage, hay, etc	29 30	699 93	670 63
68	J. D. Walker			92 60	92 60
69	Thos. Hartley			28 00	28 00
70	James D. Hopper			4 00	4 00
71	Adam Duncan	Hay and barley	74 36	147 56	73 20
72	E. P. Vollum	Medical services	30 00	90 00	60 00
73	Laferty & Haycraft			367 25	367 25
74	Lewis & Oliver			1,325 00	1,325 00
75	James Overell			6 00	6 00
76	Allen & Odell		6 00	259 65	253 65
77	Charles Bader			23 00	23 00
78	Albert Thomas	Services	25 00	350 00	325 00
79	R. C. Rose			24 55	24 55
80	N. Clough	Hay, barley, and flour	45 97	172 32	126 35
81	A. A. Holcomb	Hay, barley, meals, and rent	73 50	196 00	123 50
82	M. H. Presby	Meals	21 25	103 50	82 25
83	E. B. Willis	Hay, barley, meals, shelter	26 30	109 57	83 27
84	C. S. Ruggles	Meals	1 50	6 00	4 50
85	A. Hickman	Meals	1 75	9 25	7 50
86	Wm. Lean	Beds, hay, barley, and flour	89 56	453 45	363 89
87	Taick & Co			1,035 72	1,035 72
88	H. Carrol	Meals	4 00	17 00	13 00
89	Clark & Shannon	Meals, barley, etc	17 50	63 88	46 38
90	Wood & Lowe	Meals	2 50	14 00	11 50
91	Gregory & Co	Meals and barley	19 22	122 82	103 60
92	James Archer			13 50	13 50
93	Wm. Beck			30 00	30 00
94	D. W. Earle & Co			199 29	199 29
95	A. R. McCullum			13 50	13 50
96	—— Lathrop			3 12	3 12
97	R. Johnson	Meals	11 00	44 00	33 00
98	James M. King			4 00	4 00
99	Samuel D. Johns			731 00	731 00
100	Daniel Bacon			55 00	55 00
101	Brooks & Payton			55 00	55 00

Abstract A—(Continued)

Showing the amount of Claims against the State of California for Supplies, etc., furnished the late Expedition for the Suppression of Indian Hostilities in the Northern Counties of the State, as said Claims were originally presented, and as the same are recommended to be reduced and paid, by the Special Committee appointed February, one thousand eight hundred and sixty.

Vouchers.	Names.	Accounts.	Amount reduced.	Original amount.	Am't as reduced.
102	Samuel Painton			162 00	162 00
103	Dodge & Co			52 00	52 00
104	Green & Co			83 86	83 86
105	James Greenwood	Entirely disallowed	25 00	25 00	
106	Gideon Whitney	Services and horse hire	21 67	47 00	25 33
107	C. F. Julliard			10 00	10 00
108	Brand & Latour			117 50	117 50
109	Shouse & Ogham			77 74	77 74
110	W. W. Smith			13 00	13 00
111	Haven Sanborn	Hire of mules	1,240 00	2,480 00	1,240 00
112	R. T. Brown & Co			957 37	957 37
113	Cal. Steam Navigation Co.	Transportation of Indians	1,350 50	3,538 50	2,188 00
114	Joel Summy			31 00	31 00
115	Joel Sucer	In amount	18 24	40 00	21 76
116	J. T. Longley			148 66	148 66
117	A. P. Bettis			30 00	30 00
118	Keith & Brady	Mule feed	6 25	104 50	98 25
119	A. Hazelrigg			111 25	111 25
120	D. Vincent	20 per cent. off, except $50	193 41	1,017 06	823 65
121	L. S. Ely	Meals and forage	7 50	139 50	132 00
122	Miner & Janes			247 19	247 19
123	Lockhart & Co			283 91	283 91
124	John Bidwell	Sundries	363 66	1,523 13	1,159 47
125	John Hardin			64 49	64 49
126	A. P. Shell			27 00	27 00
127	C. W. Garner	Services of team	15 00	75 00	60 00
128	B. Wilson & Co			867 67	867 67
129	R. A. Partridge			55 25	55 25
130	F. P. Green	Transportation of Indians	800 00	2,800 00	2,000 00
131	Wm. Hathaway			4 00	4 00
132	California Stage Company			58 00	58 00
133	Beachy & Johnson	Meals, 33 per cent. off	22 27	67 50	45 23
134	G. Newcombe	Board	24 00	309 00	285 00
135	Charles Cochran			20 00	20 00
136	J. L. Howard			15 00	15 00
137	Owen & Whitesides			35 50	35 50
138	Wm. R. Stone	Flour	3 17	506 79	503 62
139	Wm. C. Kibbe			645 75	645 75
140	James Bigham			50 00	50 00
141	Jno. C. Newhouse			54 70	54 70
142	Jno. P. Shelton			32 00	32 00
143	Henry L. McKingsley			104 00	104 00
144	James Hewes			43 50	43 50
145	Daniel Hayes			6 00	6 00
146	N. C. Efford			9 25	9 25
147	Edward Mitchell			23 50	23 50
148	Samuel Wade			89 00	89 00
149	J. C. Frenchey			108 00	108 00
150	John C. Reid			78 00	78 00
151	Robert Bailey			288 00	288 00
152	E. W. Willet			84 00	84 00
153	J. H. Lindenberger	Services as Clerk	40 00	160 00	120 00
	Totals		$5,563 42	$58,618 71	$53,055 29

[B]

PAY ROLL

Of Company of Volunteers, "Kibbe Rangers," First Brigade, Sixth Division California Militia, Commanded by Wm. Byrnes.

Number.....	NAMES.	Rank.....	PERIOD OF SERVICE.				Pay per Month...	Clothing.....	Amount of Pay..	Total Amount...
			From ...	To	Months .	Days				
	Wm. Byrnes	Captain	Aug. 16, 1859	Dec. 24, 1859	4	10	100 00	.....	433 33	433 33
	Robert Bailey	1st Lieut	.....	Dec. 26	4	12	75 00	$49 55	330 00	280 45
	A. P. Shull	2d Lieut	.....	Jan. 4, 1860	4	20	65 00	167 24	303 00	135 76
	J. M. M. McCarth	Brevet 2d L't	.....	Dec. 18, 1859	4	4	60 00	248 00	248 00	.....
	Samuel D. Johns	Commissary..	Aug. 24	Dec. 31	4	8	85 00	.....	362 66	362 66
	A. W. Talliferro	Surgeon	Oct. 18	Jan. 18, 1860	3	2	100 00	.....	306 66	306 66
	Alfred W. Elwes	1st Sergeant..	Aug. 16	Jan. 10	4	26	55 00	41 12	267 66	226 54
	John D. Ludwig	2d Sergeant..	.....	Dec. 25, 1859	4	11	50 00	87 75	218 66	120 81
	W. H. Nutall	3d Sergeant..	.....	December 7	3	23	50 00	43 25	188 33	145 08
	W. Wilson	4th Sergeant	.....	 12	3	28	50 00	216 33	196 66	.....
	John Marshall	1st Corporal..	.....	 10	3	26	45 00	143 00	174 00	31 00
	W. H. McFaddin	2d Corporal..	.....	 7	3	23	45 00	78 63	169 50	90 87
	George Woodville	3d Corporal..	.....	 18	4	4	45 00	152 50	186 00	33 50
	Elijah R. Potter	4th Corporal	.....	 7	3	23	45 00	105 50	169 50	64 00
1	Ackerman, Theron	Private	.....	 18	4	4	40 00	37 25	165 33	128 08
2	Anner, James C	.....	Aug. 19	 18	4	4	40 00	110 25	160 00	49 75
3	Braden, Henry N	.....	Aug. 16	 7	3	23	40 00	163 25	150 66	.....

Pay Roll—(Continued)

Of Company of Volunteers, "Kibbe Rangers," First Brigade, Sixth Division, California Militia, Commanded by Wm. Byrnes.

Number	NAMES.	Rank	PERIOD OF SERVICE. From	To	Months.	Days	Pay per Month	Clothing	Amount of Pay	Total Amount
4	Bullington, Jesse	Private	Aug. 16	December 7	3	23	$40 00	$91 00	150 66	$59 66
5	Brown, E. M. V	"	"	" 7	3	23	40 00	84 75	150 66	65 91
6	Bryant, H. A	"	"	" 10	3	26	40 00	164 00	154 66	50 66
7	Bentz, John H	"	"	" 18	4	4	40 00	71 00	165 33	94 33
8	Benson, John W	"	"	" 18	4	4	40 00	78 00	165 33	87 33
9	Baird, Thomas D	"	"	" 18	4	4	40 00	71 50	165 33	93 83
10	Beck, Middleton W	"	"	" 18	4	4	40 00	78 12	165 33	87 21
11	Barnett, William	"	"	" 25	4	11	40 00	62 25	174 66	112 41
11	Carpenter, Alonzo A	"	"	" 7	3	23	40 00	143 00	150 66	7 66
13	Cushing, John	"	Aug. 22	" 7	3	16	40 00	88 50	141 33	52 83
14	Cox, George W	"	"	" 18	3	27	40 00	50 00	156 0	106 00
15	Cowen, Jacob	"	Aug. 16	" 7	3	23	40 00	40 50	150 66	110 16
16	Dunaway, Frank	"	"	" 7	3	23	40 00	181 75	150 66	.....
17	Doel, Jacob	"	"	" 12	3	28	40 00	84 25	157 33	73 08
18	Doane, Leander B	"	"	" 18	4	4	40 00	56 75	165 33	108 58
19	Event, Edward P	"	Aug. 28	" 7	3	11	40 00	56 25	134 33	77 88
20	Fairbrother, Alfred	"	Aug. 16	" 7	3	23	40 00	85 25	150 66	65 41
21	Fuller, Daniel D	"	"	" 7	3	23	40 00	42 12	150 66	108 54
22	Gay, William	"	"	" 12	3	28	40 00	113 75	157 33	43 58
23	Green, William	"	"	" 18	4	4	40 00	109 75	165 33	45 58

24	Grotevant, Phillip J ..	.....	.....	.....	25	4	11	40	00	144	25	174	66	30 41
25	Ganett, John K	.....	.....	.....	18	4	4	40	00	154	87	165	33	10 46
26	Gedney, Allen McNab	.....	.....	.....	18	4	4	40	00	42	75	165	33	122 58
27	Galbreth, Samuel	.....	Aug. 28	.....	25	3	28	40	00	49	50	157	33	107 33
28	Hale, John	.....	Aug. 16	.....	7	3	23	40	00	34	63	150	66	116 03
29	Henderson, David M	.....	.....	.....	7	3	23	40	00	69	00	150	66	81 66
30	Harper, William	.....	.....	.....	7	3	23	40	00	67	75	150	66	82 91
31	Heath, Higer	.....	Sept. 1	.....	7	3	7	40	00	53	50	129	33	75 83
32	Hanson, Nathan E	.....	Aug. 16	.....	12	3	28	40	00	128	00	157	33	29 33
33	Hayes, Samuel B	.....	.....	Jan. 4, 1860..	4	20	40	00	176	00	186	66	10 66	
34	Henon, William	.....	.....	Dec. 18, 1859	4	4	40	00	48	75	165	33	116 58	
35	Hollingsworth, Henry C	.....	.....	.....	18	4	4	40	00	135	50	165	33	29 83
36	Ives, George	.....	Sept. 1	.....	25	3	25	40	00	147	00	150	33	6 33
37	Irwin, Wm. H	.....	Aug. 16	.....	21	4	7	40	00	136	75	169	33	32 58
38	Kopple, Wm. S	.....	.....	Jan. 4, 1860..	4	20	40	00	172	87	186	66	.....	
39	Kirkendall, James A	.....	.....	Dec. 7, 1859..	3	23	40	00	104	13	150	66	46 53	
40	Kirkendall, Nathaniel J	.....	.....	.....	7	3	23	40	00	46	88	150	66	103 78
41	Lake, Samuel	.....	.....	Jan. 4, 1860..	4	20	40	00	217	50	186	66	.....	
42	Maybry, O. S	.....	.....	Dec. 7, 1859..	3	23	40	00	175	75	150	66	.....	
43	McGee, John	.....	.....	.....	19	4	5	40	00	89	50	166	66	67 16
44	McTurk, James	.....	.....	.....	12	3	28	40	00	94	75	157	33	52 58
45	Maupin, W. G	.....	.....	.....	7	3	23	40	00	108	75	150	66	41 91
46	Maybry, Robert	.....	.....	.....	12	3	28	40	00	87	75	157	33	79 58
47	McLaughlin, James	.....	.....	.....	7	3	23	40	00	43	25	150	66	107 41
48	McKinney, Thomas	.....	.....	.....	7	3	23	40	00	42	75	150	66	107 91
49	McIntosh, James	.....	.....	.....	20	4	6	40	00	47	50	168	00	120 50
50	Moore, William G	.....	.....	.....	7	3	23	40	00	127	75	150	66	22 91
51	Mosely, Thomas J	.....	.....	.....	7	3	23	40	00	88	50	150	66	62 16
52	Moore, Benjamin F	.....	.....	.....	7	3	23	40	00	51	38	150	66	99 28
53	Marsh, Edwin G	.....	.....	.....	18	4	4	40	00	76	60	165	33	88 73
54	McCroskie, Levi	.....	.....	.....	7	3	23	40	00	57	50	150	66	93 16
55	Miller, Lorenzo D	.....	.....	.....	18	4	4	40	00	97	93	165	33	67 40
56	Olvaney, John M	.....	.....	Jan. 4, 1860 .	4	20	40	00	67	25	186	66	119 41	

PAY ROLL—(Continued)

Of Company of Volunteers, "Kibbe Rangers," First Brigade, Sixth Division California Militia, Commanded by Wm. Byrnes.

Number	NAMES.	Rank	PERIOD OF SERVICE. From	To	Months.	Days	Pay per Month	Clothing	Amount of Pay	Total Amount
57	Prewitt, George G	Private	Aug. 16	Dec. 10, 1859	3	26	$40 00	$56 25	154 66	98 41
58	Raylin, Wilburn	.....	.....	 18	4	4	40 00	86 00	165 33	85 33
59	Rockholdt, Henry M	.....	.....	 18	4	4	40 00	56 75	165 33	108 59
60	Searles, John M	.....	Sept. 15	 19	3	5	40 00	61 50	126 66	65 16
61	Shipe, John	.....	Aug. 19	 19	4	1	40 00	78 88	161 32	82 45
62	Sherry, Henry M	.....	Aug. 16	 7	3	23	40 00	144 75	150 66	5 91
63	Strolle, Charles	.....	Aug. 28	 21	3	24	40 00	75 75	152 00	76 25
64	Sprinks, John	.....	Aug. 16	 7	3	23	40 00	68 75	150 66	81 91
65	Spain, A	.....	.....	 12	3	28	40 00	64 00	157 33	93 33
66	Short, David R	.....	.....	 18	4	4	40 00	50 75	165 33	114 58
67	Stewart, James G	.....	.....	 18	4	4	40 00	57 63	165 33	107 70
68	Swift, A. J	.....	.....	 18	4	4	40 00	57 88	165 33	107 45
69	Storer, Isaac	.....	.....	 12	3	28	40 00	177 25	157 33	.....
70	Tobin, Patrick	.....	.....	 7	3	23	40 00	34 75	150 66	115 91
71	Teague, Amos	.....	.....	Jan. 4, 1860	4	20	40 00	86 13	186 66	100 53
72	Uhl, Charles B	.....	.....	January 4	4	20	40 00	46 12	186 66	140 54
73	Wilson, Horton L	.....	.....	Dec. 7, 1859	3	23	40 00	71 75	150 66	78 91
74	Woods, Warren	.....	.....	December 7	3	23	40 00	70 38	150 66	80 28
75	Whittenburg, Samuel J	.....	.....	 7	3	23	40 00	51 75	150 66	98 91
76	Wade, Ephraim H	.....	.....	 7	3	23	40 00	71 25	150 66	79 41

77	Wilson, Benjamin R.	.....	.....	.....	7	3	23	40	00	56	13	150	66	94 53
78	Warden, Charles	.....	.....	.....	18	4	4	40	00	92	50	165	33	72 83
79	Yarbrough, Charles T	.....	.....	.....	7	3	23	40	00	75	75	150	66	74 91
	Isaac Holmes	.....	Oct. 28	December	16	1	20	40	00	42	50	66	66	24 16
	Thomas Bose	.....	.....	.....		1	20	40	00	45	00	66	66	21 66
	Charles Boatwright	.....	.....	.....		1	20	40	00	43	00	66	66	23 66
	George Groves	.....	.....	.....		1	20	40	00	52	00	66	66	14 66
	John Groves	.....	.....	.....		1	20	40	00	48	50	66	66	18 16
	James Hoffaker	.....	.....	.....		1	20	40	00	43	75	66	66	22 91
	Edward Ingram	.....	.....	.....		1	20	40	00	49	00	66	66	17 66
	Frank Johnson	.....	.....	.....		1	20	40	00	37	50	66	66	29 16
	Matthew Spohn	.....	.....	.....		1	20	40	00	36	00	66	66	30 66
	Thomas Waldon	.....	.....	.....		1	20	40	00	32	00	66	66	34 66
	Thomas Bose	.....	.....	.....		1	20	40	00	11	24	66	66	55 42
	John Raman	.....	Sept. 1	.....		3	17	40	00	16	61	143	27	126 66
	John Carmoney	.....	Oct. 28	.....		1	20	40	00	36	25	66	66	30 41

By Mr. Tilton:

Mr. Speaker:—The San Francisco Delegation, to whom was referred Senate Bill, No. 166, An Act amending an Act entitled "An Act to Establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, one thousand eight hundred and fifty-eight, have carefully considered the same, and report it back without amendment, and recommend its passage.

TILTON,
For the Delegation.

By Mr. Goodman:

Mr. Speaker:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to Allow, and the Auditor to Audit, a claim of Thos. C. Ferris, have had the same under consideration, and a majority of said delegation report the bill back, and recommend its passage.

L. C. GOODMAN,
H. STARR,
R. B. ELLIS.

The undersigned recommends that said bill do not pass. He assigns the following reasons:

First—When said claim was examined by the proper authority—the Board of Supervisors—they found that it was unjust to pay any more, the work never having been accepted, and being so inferior as not to be of any greater value than the amount allowed.

Second—The claimant could then have sued the county, and tried the merits of his claim in the courts of law, but he failed to do so, but chose rather to wait until this late day, when the facts which authorized the Board of Supervisors to report the claim will be very difficult to procure.

Third—It is conferring upon the present County Board—a tribunal of no higher power than its predecessor—the power to review the acts of the former Board, and refuse their finding and decision.

And for numerous other reasons.

WELTY.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Dep't,
Sacramento, March 2d, 1860.

To the Honorable the Assembly of the State of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 153, An Act fixing the time of holding the Court of Sessions and the County Court in the County of Sacramento;

Also, Assembly Bill, No. 204, An Act to fix the Salary of the County Judge of Tuolumne County.

JOHN G. DOWNEY,
Governor.

State of California, Executive Department,
Sacramento, March 2d, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly

Bill, No. 237, An Act creating a Contingent Fund for the County of Tuolumne.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, March 2d, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Concurrent Resolution, No. 40, Relative to pay of Clerk of Capital Committee;

Also, Senate Concurrent Resolution, No. 41, Relative to pay of Sergeant-at-Arms of Capital Committee.

D. J. WILLIAMSON,
Assistant Secretary.

The House indefinitely postponed Senate Concurrent Resolution, No. 41, above reported, and refused to concur in Senate Concurrent Resolution No. 40, above reported.

SENATE CHAMBER,
Friday, March 2d, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 62, An Act to Prohibit Gaming, with an amendment to section seventh: "*Provided*, that nothing in this act shall be so construed as to effect any criminal proceeding now pending in any of the courts of this State."

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly Bill, No. 62, above reported.

On motion of Mr. Yancey, at ten minutes past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 3, 1820.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Messrs. Shelton and Jenkins had indefinite leave of absence; Messrs. Bailey of Tuolumne and Babcock for three days each; and Mr. Smith of Sutter for one day.

REPORT.

Mr. Smith of Nevada made the following report:

Mr. SPEAKER:—The Special Committee, to which was referred Assembly Bill, No. 75, An Act to provide for the better Observance of the first day of the Week, known as the Christian Sabbath, have considered the

same, and report it back with a substitute differently entitled, and the committee recommend the adoption of the substitute.

C. F. SMITH,
For the Committee.

GENERAL FILE.

Assembly Bill, No. 161, An Act to repeal "An Act to provide for the permanent Location of the Seats of Justice in the several Counties of this State," passed April eleventh, one thousand eight hundred and fifty, and all amendments thereto—read third time and passed.

Mr. Williams gave notice of reconsideration of Assembly Bill, No. 46, An Act amendatory of, and supplementary to, "An Act, passed April nineteenth, one thousand eight hundred and fifty-six, concerning Estray Animals."

REPORT.

Mr. Beach made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and report them correctly engrossed:

Assembly Bill, No. 163, An Act to confer further powers upon the Board of Education and the Auditor and Treasurer of the City and county of San Francisco;

Also, Assembly Bill, No. 178, An Act to compensate William Greenhood for Translating certain Laws and Resolutions of the Tenth Session of the Legislature into the Spanish Language.

BEACH,
Chairman.

Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-first, one thousand eight hundred and fifty-eight, and also to amend An Act, approved April eighteenth, one thousand eight hundred and fifty-nine, entitled "An Act amendatory of 'An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State,'" approved April twenty-first, one thousand eight hundred and fifty-eight—read third time and passed.

Assembly Bill, No. 95, An Act to create the County of Mokelumne, and to provide for its Organization—substitute reported by delegations adopted, considered in Committee of the Whole, committee reported progress, and had leave to sit again.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee have examined Assembly Bill, No. 38, An Act to provide for taking Delivery Bonds in cases wherein Personal Property has been levied on by virtue of Writs of Attachment and Execution, and report the same back and recommend that it do not pass.

Your committee have also had under consideration the matter of the communication from Governor Downey on the subject of highway robbery, with an accompanying petition, and report that, in their opinion, it

is deemed unadvisable to pass a bill affixing the death penalty to such crime, the existing law being sufficiently stringent.

J. M. WILLIAMS,
Chairman.

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 104, An Act concerning Roads and Highways in the County of Nevada.

B. P. HUGG,
Chairman, *pro tem.*

By Mr. Kungle:

Mr. SPEAKER:—The Special Joint Committee, appointed to examine the evidences and report conclusions with relation to the vote taken at the last general election for and against the calling of a Convention to revise and change the Constitution of the State, have had the matter and things connected therewith under advisement, and herewith submit their report:

The returns in the office of Secretary of State show forty-five thousand eight hundred and twenty-nine votes in favor of calling the convention. The committee are convinced that this is not a true exhibit of the votes cast, owing to a misapprehension of the act of one thousand eight hundred and fifty-nine, on the part of the officers composing the Election Boards in many parts of the State.

We believe that at least fifty thousand votes were cast in favor of a convention, but, because the word "yes," was not attached after the words "For a Convention" upon the ballots, many of said precinct officers refused to count them in favor of a convention.

We have received evidence that in the county of Yuba, one thousand votes for a convention were lost on account of this error on the part of said officers; that one thousand eight hundred votes have been so lost in Sierra. Many votes were lost in Butte and other counties in the same way.

We find it impossible to report the number of electors who voted at said election for members of the Legislature.

In many counties there were three tickets in the field, and in other counties there were four tickets. These candidates were of various degrees of popularity. Besides, the electors may not have voted for a full set of representatives from any one county or district, and it is not probable that facts of this kind can be definitely ascertained.

The most the committee are able to do is to report what approximates to the aggregate average vote for members of the Legislature. This, according to the votes reported to the Secretary of State, computed by the rule which gives the largest possible vote, was ninety-nine thousand and seventy. This, it must be apparent, is at best but an approach to the truth.

For instance, we find the aggregate vote of San Francisco and San Mateo so mixed upon the Senatorial vote as to give an average vote, one hundred and ninety, too large, and this is probably the case in some other parts of the State.

We therefore conclude, upon a full view of the facts, that the people

have, by the vote so cast, called the convention, and that it be the duty of this Legislatuae to provide by law for holding the same.

C. H. KUNGLE,
Chairman Assembly Committee.
DANIEL RODGERS,
S. W. LOVEL,

SAMUEL A. MERRITT,
Chairman Senate Committee.
JAMES ANDERSON.

The bill above reported, read first and second times, placed on file, and ordered printed.

By Mr. Haliday:

Mr. SPEAKER:—The delegation from Sierra, to whom was referred Senate Bill, No. 152, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes, report the same back to the House, with amendments, and recommend its passage as amended.

JOHNSON,
HALIDAY.

By Mr. Hawley:

Mr. SPEAKER:—The El Dorado Delegation, to whom was referred Senate Bill, No. 132, An Act defining the number of Justices of the Peace in the City and Township of Placerville, in El Dorado County, have had the same under consideration, report the bill back, and recommend its passage.

A. H. HAWLEY,
JAMES H. WATSON,
JOHN C. BELL.

By Mr. Wescott:

Mr. SPEAKER:—The Yuba Delegation, to whom was referred Assembly Bill, No. 244, An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba, have had the same under consideration, and would beg leave to report the same back to the House, and unanimously recommend its passage.

WESCOTT,
BEN. T. O'REAR,
BEN. P. HUGG,
C. H. KUNGLE,
J. W. CROWELL.

The rules were suspended, and the bill above reported considered engrossed, read third time and passed.

Assembly Bill, No. 124, An Act to authorize J. C. Cisna to construct a Breakwater and Wharf at the Port of San Luis Obispo, and providing for the same—rules suspended, considered engrossed, read third time and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 3d, 1860.

To the Honorable the Assembly of California:

I transmit, herewith, the Annual Report of William C. Kibbe, Quartermaster and Adjutant-General of the State.

JOHN G. DOWNEY,
Governor.

For Report of Quartermaster-General see Appendix.

Mr. Welty offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that nine hundred and sixty copies of the Annual Report of the Quartermaster-General be printed.

Laid over under the rule.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, March 3d, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County;

Also, Assembly Bill, No. 171, An Act to prevent the stealing of Dogs.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 130, above reported, read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
Saturday, March 3d, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 215, An Act to fund the Debt of the County of Sonoma, and to provide for the Payment of the same;

Also, Senate Bill, No. 158, An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County to Klamath County;

Also, have adopted Senate Concurrent Resolution, No. 42, Relative to Adjournment *sine die*.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 158, above reported, read first and second times, and referred to the Klamath and Del Norte delegations.

Senate Concurrent Resolution, No. 42, above reported, was taken up.

Mr. Henry moved to lay the resolution on the table.

Upon which, Messrs. Conness, Hayes, and Curtis, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Covarrubias, Fairchild, Halsted, Hammond, Howe, Johnson of Sierra, Kungle, Lambert, Lewis, Patten, Rodgers of Tuolumne, Stevenson, Swan, Welty, Wescott, Williams, Yager, and Yancey—19.

NOES—Messrs. Bailey of Santa Clara, Beach, Conness, Curtis, Ellis, Groom, Harville, Hawley, Hayes, Henry, Heston, Hugg, Johnson of Ama-

dor, King, Laspeyre, Lovel, Makins, McDermit, O'Connor, O'Rear, Pate' Rogers of San Francisco, Shannon, Shattuck, Starr, Stone, Walden, Warner, and White—29.

Mr. Johnson of Sierra moved to make the further consideration of the resolution the special order for the first day of April next at ten o'clock, P. M.

Upon which, Messrs. Conness, Shannon, and Howe, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Burson, Campbell, Covarrubias, Crowell, Fairchild, Gwinn, Halsted, Hammond, Harville, Henry, Heston, Howe, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lewis, Lovel, Makins, Malarin, McDermit, Patten, Rodgers of Tuolumne, Starr, Stevenson, Swan, Welty, Wescott, White, Williams, and Yager—35.

NOES—Messrs. Conn, Conness, Curtis, Ellis, Groom, Haliday, Hayes, Hugg, O'Connor, O'Rear, Rogers of San Francisco, Shannon, Shattuck, Stone, Walden, Warner, Watson, Yancey, and Mr. Speaker—19.

At half-past two o'clock, P. M., on motion of Mr. Henry, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 5th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of Saturday last, was read and approved.

Leave of absence was granted as follows:

Mr. Campbell had indefinite leave of absence, Mr. Curtis for one week, Mr. Theller for three days, and Messrs. Lovel, Gwinn, Smith of Sutter, Daggett, Bailey of Tuolumne, and Tilton, for one day each.

On motion of Mr. Williams, the House reconsidered the vote by which the House on Saturday last, passed Assembly Bill, No. 161, An Act to repeal an Act entitled "An Act to provide for the Permanent Location of the Seats of Justice of the several Counties of this State," passed April eleventh, one thousand eight hundred and fifty, and all amendments thereto.

Lost.

Mr. Warner moved to reconsider the vote by which the House on the second March, adopted Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the Southern portion of the State.

Motion ruled out of order.

From which Mr. Warner appealed, and the House sustained the Chair.

Assembly Bill, No. 95, An Act to create the County of Mokelumne, and provide for its Organization—

Made Special Order for March seventh, ten minutes past one, P. M.

Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims;

Also, Assembly Bill, No. 163, An Act to confer further powers upon the Board of Education and the Auditor and Treasurer of the City and County of San Francisco;

Also, amendatory of An Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further powers upon the Board of Supervisors and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein named—

Read third time and passed.

Also, Assembly Bill, No. 162, An Act to regulate Pawnbrokers in this State, and to define their Liabilities—ordered engrossed.

Also, Assembly Bill, No. 213, An Act to provide for Recording Notice of Claims to Private Land Grants in this State—recommitted to the Judiciary Committee.

The House refused to order to engrossment, Assembly Bill, No. 183, An Act to repeal the Ninth Chapter of an Act entitled "An Act concerning Corporations," approved April twenty-second, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 70, An Act limiting the termination of Proceedings of Corporations in certain Cases;

Also, Assembly Bill, No. 136, An Act providing for the preparation of a Code of Laws for this State;

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act providing for the Permanent Location of the Seats of Justice in the several Counties,'" passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five—

Committee amendments adopted and ordered engrossed;

Also, Senate Bill, No. 90, An Act providing for the payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa—read third time and—

On the passage of the bill, Messrs. Yager, Williams, and Bailey of Santa Clara, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bell, Bowman, Burson, Conn, Conness, Crowell, Dunlap, Ellis, Fairchild, Groom, Haliday, Halsted, Harville, Hawley, Hayes, Heston, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, O'Connor, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Starr, Stevenson, Stone, Swan, Walden, Warner, Watson, Welty, Wescott, White, Wilkins, Williams, Yager, Yancey, and Mr. Speaker—52.

Noes—Mr. Shannon—1.

Mr. Rogers of San Francisco, gave notice of reconsideration.

Also, Assembly Bill, No. 67, An Act to repeal an Act entitled "An Act for the Protection of Settlers, and to quiet Land Titles in the State,"

passed March twenty-sixth, one thousand eight hundred and fifty-six—substitute adopted and ordered engrossed;

Also, substitute for Assembly Bills Nos. 49 and 88, An Act to provide for the Publication of the General Laws in force at the expiration of the Eleventh Session of the Legislature—adopted, considered in Committee of the Whole, further amended, reported and recommended.

Mr. Conness moved to strike out, in the first section, the words "eight hundred and eight thousand," and insert the words, "five hundred and five thousand."

Upon which Messrs. Conness, Welty, and Williams, demanded the ayes and noes, and the amendment was adopted by the following vote:

Ayes—Messrs. Bell, Conn, Conness, Covarrubias, Crowell, Dunlap, Fairchild, Gallagher, Groom, Haliday, Halsted, Hawley, Heston, Hugg, Lewis, Malarin, McDermit, O'Connor, O'Rear, Pate, Patten, Shannon, Stevenson, Stone, Welty, Wescott, White, Yager and Mr. Speaker—29.

Noes—Messrs. Bailey of Santa Clara, Burson, Ellis, Harville, Hayes, Howe, Johnson of Sierra, Kungle, Lambert, Lawrence, Makins, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Starr, Swan, Walden, Warner, Wilkins, Williams, and Yancey—22.

Mr. Pate gave notice of a reconsideration of the vote just taken.

Notice entertained by the Chair, and ruled in order.

From which ruling Mr. Conness appealed.

On the question, shall the decision of the Chair stand as the judgment of the House, Messrs. Conness, Welty, and Williams, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Covarrubias, Dunlap, Hayes, Kungle, Lambert, Lawrence, Lewis, Malarin, McDermit, Pate, Rodgers of Tuolumne, Shattuck, Starr, Swan, Walden, and Warner—18.

Noes—Messrs. Bell, Conn, Conness, Crowell, Ellis, Gallagher, Groom, Haliday, Halsted, Harville, Hawley, Heston, Howe, Hugg, Johnson of Sierra, Makins, O'Connor, O'Rear, Patten, Rogers of San Francisco, Shannon, Smith of Nevada, Stevenson, Stone, Welty, Wescott, White, Wilkins, Williams, Yager, and Yancey—31.

Mr. Conness moved to reconsider the vote by which the amendment was adopted.

Upon which Mr. Conness, Beach, and Bell, demanded the ayes and noes, and it was reconsidered by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bell, Burson, Covarrubias, Ellis, Harville, Hayes, Heston, Johnson of Sierra, Kungle, Lambert, Lawrence, Makins, Malarin, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Starr, Swan, Walden, Warner, Williams, and Yancey—26.

Noes—Messrs. Bowman, Conn, Conness, Crowell, Dunlap, Fairchild, Gallagher, Groom, Halsted, Hawley, Howe, Hugg, King, Lewis, McDermit, O'Connor, O'Rear, Patten, Shannon, Stevenson, Stone, Welty, Wescott, and White—24.

Mr. Conness moved a call of the House.

Lost.

On the adoption of the amendment, Messrs. Shannon, Conness, and

Beach, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Bell, Bowman, Conn, Conness, Covarrubias, Crowell, Dunlap, Fairchild, Gallagher, Groom, Halsted, Hawley, Heston, Hugg, Kungle, Lewis, Malarin, McDermit, O'Connor, O'Rear, Patten, Shannon, Stevenson, Stone, Swan, Watson, Welty, Wescott, and White—27.

Noes—Messrs. Bailey of Santa Clara, Beach, Burson, Ellis, Harville, Hays, Howe, Johnson of Sierra, King, Lambert, Lawrence, Makins, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Starr, Walden, Warner, Wilkins, Williams, and Yancey—24.

Mr. Smith of Nevada, moved the previous question.

Motion sustained.

On the engrossment of the bill Messrs. Hawley, Warner, and Patten, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bell, Burson, Conn, Conness, Covarrubias, Ellis, Fairchild, Gallagher, Harville, Heston, Johnson of Sierra, Lambert, Makins, Malarin, McDermit, Pate, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, Walden, White, Wilkins, Williams, Yager, Yancey, and Mr. Speaker—32.

Noes—Messrs. Bowman, Crowell, Dunlap, Groom, Haliday, Halsted, Hawley, Hayes, Howe, Hugg, King, Kungle, Laspeyre, Lewis, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Stone, Warner, and Watson—21.

REPORTS.

Reports were made as follows:

By Mr. Hugg:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 210, An Act to amend an Act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River, at a point North of C Street, North, and between Front and Seventh Streets, as designated on the Plat or Plan of the City of Sacramento.

HUGG,
Chairman.

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossmont report as correctly engrossed, the following bills:

Substitute for Assembly Bills, Nos. 51 and 101, An Act to amend an Act entitled "An Act to authorize Women to transact Business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two;

Also, Assembly Bill, No. 197, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Convey certain Property to the State of California and to make and issue certain Bonds;

Also, Assembly Bill, No. 249, An Act to Legalize an Order of the Board of Supervisors of the County of Santa Cruz and all Proceedings had thereunder, and dependent thereon;

Also, Assembly Bill, No. 250, An Act concerning the Office of the Assessor of Klamath County.

BEACH,
Chairman.

PETITION.

The following petition was presented:

By Mr. Lawrence, Of citizens of Weaverville for donation to Sisters of Mercy.

Referred to special committee.

MESSAGE FROM THE GOVEROR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 5th, 1860.

To the Honorable the Assembly of California:

I have the honor to inform your Honorable Body that I have approved Assembly Bill, No. 104, An Act concerning Roads and Highways in the County of Nevada.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Monday, March 5th, 1860.

Mr. SPEAKER:—The Senate, on Saturday March third, one thousand eight hundred and sixty, passed Senate Bill, No. 77, An Act to Establish Pilots and Pilot Regulations for Humboldt Bay and Bar;

Also, Senate Bill, No. 162, An Act to authorize the Executors of the Estate of Peter Tracy, Deceased, to sell the Real Estate at Public or Private Sale.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 77 and 162, above reported, read first and second times, rules suspended, read third time and passed.

Senate Bill, No. 166, An Act amending an Act entitled "An Act to establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, one thousand eight hundred and fifty-eight.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Malarin, An Act to authorize the sale of Real Estate of the late William E. P. Hartwell, deceased.

By Mr. King An Act for the relief of Daniel Mac Laven;

Also, An Act to exempt the County of Los Angeles from the provisions of an Act entitled "An Act for the protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four.

SECOND READING OF BILLS.

Assembly Bill, No. 256, An Act to repeal an Act entitled "An Act

granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State," approved April eighteenth, one thousand eight hundred and fifty-nine—read second time and placed on file;

Also, Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerk of Los Angeles County—read second time and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers of San Francisco, An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Heston, An Act supplemental to an Act, passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the Office of County Assessor.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wilkins, An Act to declare the effect of Decrees of Divorces from Bed and Board.

Read first and second times and referred to the Judiciary Committee.

By Mr. Bailey of Santa Clara, An Act to establish the University of California.

Read first and second times, referred to the Committee on Education, and ordered printed.

By Mr. Laspeyre, An Act to authorize Erastus M. Walker, of San Joaquin County, California, to sell certain lands in St. Francois County, Missouri, held by him in trust for Louisa Walker, his wife, now deceased, and her children, William A. Walker, Jefferson A. Walker, Louisa E. Walker, Mary A. Walker, and Erastus B. Walker.

Read first and second times and referred to the Judiciary Committee.

By Mr. Rogers of San Francisco, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine.

By Mr. Shattuck, An Act to enable a Minor therein named to partition or sell Real Estate.

Read first and second times and placed on file.

By Mr. Wilkins, An Act amendatory of, and supplementary to, "An Act concerning Hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April twenty-first, one thousand eight hundred and fifty-five.

Read first and second times and referred to the Sonoma Delegation.

By Mr. Williams, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Rogers of San Francisco, An Act to authorize the appointment of a Surveyor of Cordwood and Coal for the City of San Francisco, and defining his duties.

Read first time.

Mr. Laspeyre gave notice of a bill to appropriate money for the San Joaquin Agricultural District Fair.

At half past three o'clock, on motion of Mr. Wescott, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 6th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Henry had indefinite leave of absence, and the State Prison Committee and Mr. Gwinn, for one day.

GENERAL FILE.

Substitute for Assembly Bill, Nos. 101 and 51, An Act to amend an Act entitled "An Act to authorize Women to transact Business in their own Name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two—read third time and passed.

Assembly Bill, No. 211, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes—rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 220, An Act to provide for the Distribution of Books and Pamphlets published by and under the authority of the State, and to encourage the establishment of Public Libraries—amended, and on motion of Mr. Pate, all after of the enacting clause struck out.

Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from forced sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one—substitute adopted, and ordered engrossed.

Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the sale of certain Real Estate by Guardians," approved twenty-eighth of March, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty;

And Also, Assembly Bill, No. 223, An Act to amend an Act entitled 'An Act to Regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one—

Were ordered engrossed.

Assembly Bill, No. 234, An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the foot of Main Street, in Napa City, in the County of Napa—rules suspended, considered engrossed, read third time and passed.

The House refused to engross Assembly Bill, No. 206, An Act amendatory of, and supplemental to, "An Act authorizing the Guardian or Guardians of certain Minors to sell and dispose of their Real Estate and Chattels Real," approved April eighth, one thousand eight hundred and fifty-nine.

Assembly Bill, No. 227, An Act to provide for the Care of Non-resident

Patients in the Hospital of the City and County of San Francisco—amendments adopted, and enacting clause struck out.

Assembly Bill, No. 202, An Act abolishing the office of County Assessor and establishing the office of Township Assessor, in the County of Calaveras—substitute adopted, rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 12, An Act extending the privilege of the Homestead Law to certain Persons, and to regulate the Proceedings of the same—

Mr. Welty moved to make the further consideration of the bill the special order for Tuesday next, March thirteenth, at ten minutes past one, P. M.

Upon which, Messrs. Beach, Welty, and Johnson of Sierra, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Covarrubias, Daggett, Fairchild, Halsted, Hammond, Hawley, Hugg, Johnson of Sierra, Kungle, Laspeyre, Makins, Malarin, O'Connor, Pate, Rodgers of Tuolumne, Smith of Sutter, Theller, Walden, Welty, and Wescott—23.

NOES—Messrs. Bowman, Burson, Campbell, Conn, Conness, Coombs, Dunlap, Ellis, Gallagher, Groom, Haliday, Harville, Heston, Lambert, Lawrence, McDermit, O'Rear, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Starr, Stevenson, Stone, Tilton, Warner, Watson, White, Wilkins, and Williams—31.

On the passage of the bill, Messrs. Shannon, Fairchild, and Burson, demanded the ayes and noes, and the bill was lost by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Covarrubias, Daggett, Fairchild, Groom, Halsted, Hammond, Hawley, Johnson of Sierra, King, Kungle, Makins, Malarin, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Theller, Tilton, and Walden—21.

NOES—Messrs. Bowman, Burson, Conn, Conness, Coombs, Dunlap, Ellis, Gallagher, Harville, Heston, Hugg, Lambert, Laspeyre, Lawrence, McDermit, O'Connor, O'Rear, Patten, Schmidt, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Warner, Welty, Wescott, White, Wilkins, and Williams—31.

Mr. Welty gave notice of reconsideration.

Mr. King was added to the Committee on Spanish Translation.

The House refused to reconsider the vote by which on yesterday Senate Bill, No. 90, An Act providing for the payment of a Judgment in favor of Trustum C. Gilman against the County of Contra Costa, was passed.

On motion of Mr. Conness, Standing Rule, No. 54, was amended by striking out of the first line the words "on a motion or."

PETITION.

Mr. Welty presented a petition for a Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Reports were made as follows:

By Mr. Laspeyre:

Mr. SPEAKER:—Your committee, to whom was referred substitute for

Assembly Bill, No. 97, entitled "An Act amendatory of, and supplementary to, an Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matter," have had the same under consideration, and recommend its passage as amended;

Also, Assembly Bill, No. 228, entitled "An Act fixing the Salary of the State Land Register," have had the same under consideration, and recommend its passage as amended.

T. LASPEYRE,
Chairman.

By Mr. Yager:

Mr. SPEAKER:—Your committee to whom was referred Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five, have had the same under consideration and recommend its passage, with the following amendments, to wit:

Strike out sections one, six, and eight, and add section fourteen.

Also, Assembly Bill, No. 236, An Act amendatory of an Act entitled "An Act amendatory of, and supplementary to, 'An Act to establish, regulate, and support Common Schools and to repeal former Acts concerning the same,'" approved May third, one thousand eight hundred and fifty-five, approved March twenty-eighth, one thousand eight hundred and fifty-seven, report the same back and recommend its indefinite postponement.

C. YAGER,
Chairman.

By Mr. Gallagher:

Mr. SPEAKER:—The committee to whom was referred Assembly Bill, No. 225, An Act to prevent Counties and the State from becoming burdened with the support of Paupers who are disqualified, under the laws of the United States to become Naturalized Citizens, beg leave to report the bill back and recommend its passage.

A. C. LAWRENCE,
P. A. GALLAGHER,
BEN. P. HUGG,
J. WHITE,
D. C. PATTEN.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed the following bills:

Assembly Bill, No. 124, An Act to authorize J. C. Cissna to construct a Breakwater and Wharf at the Port of San Luis Obispo, and providing for the same;

Also, Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants;

Also, Assembly Bill, No. 244, An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba.

O'REAR,
For the Committee.

By Mr. Daggett:

Mr. SPEAKER :—The undersigned, to whom was referred Senate Bill, No. 144, An Act fixing the time for holding the Court of Sessions and the County Court in the County of Del Norte, and Senate Bill, No. 158, An Act for the adjustment and final settlement of the Indebtedness of Del Norte County to Klamath County, would most respectfully report that he has examined said bills and recommends their passage.

JOHN DAGGETT,
Klamath and Del Norte.

Senate Bills, Nos. 144 and 155, above reported, were, the rules being suspended, read a third time and passed.

By Mr. Rogers of San Francisco :

Mr. SPEAKER :—The San Francisco Delegation, to whom was referred Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine, have had the same under consideration and report the same back, with an amendment, and recommend its passage as amended.

ROGERS,
For the Delegation.

By Mr. Smith of Sutter :

Mr. SPEAKER :—The Sutter and Yuba delegations, to whom was referred Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight, have examined the bill and most respectfully report the same back and recommend its passage.

SMITH, of Sutter,
BEN. T. O'REAR,
BEN. P. HUGG,
J. M. CROWELL,
C. H. KUNGLE,
WESCOTT.

By Mr. McDermit :

Mr. SPEAKER :Your Auditing Committee have examined the copying done for the Assembly from February twenty-eighth, to March sixth, and find it as follows :

Purpose.	Folios.	Per Folio.	Amount.
Journal and Appendix	982	15 cts.	$147 80
For Printer, etc	2,582	10	258 20
Total	3,564	.....	$406 00

Your committee recommend the adoption of the following resolution :

Resolved, That the Controller of State be hereby authorized to draw his warrant in favor of the Chief Clerk, J. M. Anderson, for the sum of four hundred and six dollars, payable out of the Copying Fund of the Assembly.

CHAS. McDERMIT,
Chairman.

Adopted.

SPECIAL ORDER.

Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, was made the special order for March eighth, at half past one o'clock.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, March 6th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 89, An Act to create the Office of State Geologist and define the duties thereof;

Also, Senate Bill, No. 109, An Act to declare Navigable the Arroyo de San Antonio or Reys Creek in Marin County.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 109, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 89, above reported, read first and second times, and referred to a special committee of five.

The Speaker appointed Messrs. Williams, Conness, Harville, Shannon, and Conn.

SENATE CHAMBER,
Tuesday, March 6, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 172, An Act to Audit and allow certain Claims;

Also, Assembly Bill, No. 191, An Act to Change the Name of Charles Pearce to Charles Greenwich Howard;

Also, have refused to concur in Assembly amendment to Senate Bill, No. 49, An Act to fix the Compensation, of the District Attorney of Napa County.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 172, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 49, above reported, placed at foot of file.

Mr. Johnson of Sierra, moved to adjourn.

Lost.

Mr. Walden introduced a concurrent resolution, relative to leave of absence of District Attorney of Stanislaus County.

Adopted.

Mr. McDermit gave notice of An Act to change the name of Moses C. Phillipowski to Moses C. Phillips.

Assembly Bill, No. 259, An Act to authorize the appointment of a

Surveyor of Cordwood and Coal for the City of San Francisco and defining his duties, was indefinitely postponed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laspeyre, An Act to Encourage the San Joaquin District Agricultural Society.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Rogers of San Francisco, An Act to amend "An Act concerning Courts of Justice and Judicial Officers," passed May twelfth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Johnson of Sierra, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Sierra Delegation.

By Mr. Swan, An Act to fix the time of holding the County Court and Court of Sessions in Solano County.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Wilkins An Act to fix the Compensation and mileage of Treasurers in the Counties of Santa Clara and Sonoma and to regulate the time of Settlement by them with the Controller and Treasurer of State.

Read first time.

By Mr. Malarin, An Act to authorize the sale of Real Estate of the late Wm. C. P. Hartnell, Deceased.

Read first and second times and placed on file.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 171, entitled An Act to prevent the Stealing of Dogs;

Also, Assembly Bill, No. 12, entitled An Act to amend "An Act to regulate Proceedings in Criminal Cases";

Also, substitute for Assembly Bill, Mo. 62, entitled An Act to prevent Gaming.

JOHN DAGGETT,
Chairman.

Also, Assembly Bill, No. 258, An Act to provide for a Convention to revise and change the Constitution of this State, was made the special order for Tuesday, thirteenth March, at two o'clock.

At half-past two o'clock, P. M., Mr. Rodgers of Tuolumne, moved to adjourn.

Upon which Messrs. Hugg, Smith, and Williams, demanded the ayes and noes, and the House adjourned by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Bell, Bowman, Conn, Conness, Covarrubias, Daggett, Dunlap, Ellis, Groom, Halsted, Hayes, Hes-

ton, Johnson of Sierra, Lambert, Laspeyre, Malarin, O'Connor, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Stevenson, Stone, Tilton, Walden, Wescott, White, and Yager—31.

Noes—Messrs. Burson, Coombs, Haliday, Harville, Hugg, Kungle, Makins, McDermit, O'Rear, Patten, Rogers of San Francisco, Smith of Sutter, Swan, Warner, Watson, Welty, Wilkins, Williams, and Yancey—19.

IN ASSEMBLY.

House of Assembly,
Wednesday, March 7th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
Journal of yesterday read and approved.
Leave of absence was granted as follows:
Mr. Smith of Nevada had leave of absence for one week, and Mr. Heston for one day.

Mr. Welty moved to reconsider the vote by which the House on yesterday refused to pass Senate Bill, No. 12, An Act extending the privileges of the Homestead Law, to certain persons, and regulate the creation of the same.

Upon which, Messrs. Conn, Watson, and Warner, demanded the ayes and noes, and the House reconsidered by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Conness, Daggett, Fairchild, Gallagher, Groom, Gwinn, Halsted, Hammond, Hawley, Heston, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lewis, Lovell, Makins, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shelton, Swan, Theller, Tilton, Walden, Welty, Wilkins, Wilson, and Yancey—37.

Noes—Messrs. Bailey of Santa Clara, Bowman, Burson, Conn, Coombs, Crowell, Dunlap, Ellis, Haliday, Harville, Henry, King, Lambert, Laspeyre, Lawrence, McDermit, Patten, Shannon, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Warner, Watson, Wescott, White, Williams, Yager, and Mr. Speaker—30.

On the passage of the bill Messrs. Shannon, Burson, and ——— demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Burson, Conness, Daggett, Fairchild, Gallagher, Groom, Gwinn, Halsted, Hammond, Hawley, Heston, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lewis, Lovell, Makins, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shelton, Theller, Tilton, Walden, Welty, Wilkins, Wilson, and Yancey—36.

Noes—Messrs. Bailey of Santa Clara, Bowman, Conn, Coombs, Crowell, Dunlap, Ellis, Haliday, Harville, Henry, King, Lambert, Laspeyre, Lawrence, Maxson, McDermit, O'Connor, Patten, Shannon, Shattuck,

Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Watson, Wescott, White, Williams, Yager, and Mr. Speaker—32.

Mr. Williams offered to amend the title as follows:

An Act to Exempt certain Property therein named, from Execution and Forced Sale.

Upon which, Messrs. Hayes, Crowell, and Lambert, demanded the ayes and noes, and the amendment was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bowman, Burson, Conn, Coombs, Crowell, Dunlap, Haliday, Harville, Hayes, Henry, Lambert, Laspeyre, Lawrence, McDermit, O'Connor, O'Rear, Patten, Shannon, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Warner, White, Williams, and Yager—28.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Conness, Ellis, Fairchild, Gallagher, Groom, Gwinn, Halsted, Hammond, Hawley, Heston, Howe, Hugg, Johnson of Amador, Johnson of Sierra, King, Kungle, Lewis, Lovell, Makins, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Theller, Tilton, Walden, Watson, Welty, Wilkins, Wilson, Yancey, and Mr. Speaker—37.

Mr. Burson gave notice of the reconsideration of the vote by which the bill passed.

Ruled out of order.

Mr. Burson appealed.

The Chair was sustained.

GENERAL FILE.

Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants—read third time and passed.

Senate Bill, No. 66, An Act to prohibit the Burning of Bricks within certain limits in the City and County of San Francisco—amendments adopted, read third time, and passed.

Senate Bill, No. 88, An Act appropriating Money for the benefit of the San Francisco Ladies' Protection and Relief Society—considered in Committee of the Whole, committee rose and reported the bill, and were discharged, amended, and—

On its passage, Messrs. Warner, Williams, and O'Connor, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Conn, Conness, Coombs, Covarrubias, Fairchild, Gallagher, Halsted, Henry, Howe, Johnson of Amador, Johnson of Sierra, Laspeyre, Lawrence, Lovel, Malarin, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Schmidt, Shannon, Shattuck, Starr, Stevenson, Swan, Theller, Tilton, Welty, Wescott, Wilson, Yancey, and Mr. Speaker—35.

Noes—Messrs. Bailey of Santa Clara, Bell, Bowman, Crowell, Dunlap, Ellis, Haliday, Hammond, Harville, Hawley, Hayes, Kungle, Lambert, Lewis, Makins, O'Rear, Patten, Stone, Warner, White, Wilkins, and Williams—22.

Mr. Johnson of Sierra gave notice of reconsideration.

Assembly Bill, No. 95, An Act to create the County of Mokelumne and provide for its Organization—was considered in Committee of the Whole.

Mr. Shannon in the Chair.

Reported, amended, and, on its engrossment, Messrs. Laspeyre, Yancey, and Rodgers of Tuolumne, demanded the ayes and noes, and the bill was ordered engrossed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Campbell, Conn, Coombs, Crowell, Daggett, Ellis, Gallagher, Halsted, Hayes, Hugg, Johnson of Amador, Johnson of Sierra, Lewis, Lovell, Makins, Malarin, O'Rear, Patten, Rogers of San Francisco, Smith of Sutter, Starr, Stevenson, Theller, Welty, Wilkins, and Williams—29.

Noes—Messrs. Conness, Dunlap, Fairchild, Haliday, Harville, Howe, Kungle, Laspeyre, McDermit, O'Connor, Pate, Rodgers of Tuolumne, Shannon, Shattuck, Stone, Swan, Walden, Warner, Wilson, Yancey, and Mr. Speaker—21.

Mr. Makins presented a petition Of citizens of Placer County, in relation to assessments for Turnpike Roads.

Referred to Placer Delegation.

Mr. Stevenson moved to adjourn.

Lost.

Mr. Henry introduced a bill for An Act to extend the time for the collection of Taxes in San Luis Obispo County.

Read first and second times and referred to San Luis Obispo and Del Norte delegations.

REPORTS.

Reports were made as follows:

By Mr. Pate:

Mr. Speaker:—Your committee to whom was referred Assembly Bill, No. 246, An Act amendatory of "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," have had the same under consideration, and report it back and recommend its passage.

PATE,
Chairman.

By Mr. Laspeyre:

Mr. Speaker:—Your committee to whom was referred Assembly Bill, No. 198, entitled An Act for the Relief of S. W. Marshall, discoverer of Gold in California, have had the same under consideration and respectfully urge its passage as amended.

LASPEYRE,
Chairman.

Sacramento, March 7th, 1860.

By Mr. Conn:

Mr. Speaker:—The Committee on Claims, to whom was referred Assembly Bill, No. 63, An Act to appropriate money to pay W. H. Peterson, respectfully report that they have had the same under consideration, and that we find the claim was audited and allowed by the last session of the Legislature, and that the claim comes under that class of indebtedness for which there is no appropriation, it having accrued before the year one thousand eight hundred and fifty-seven. Your committee see no reason why an appropriation should be made to meet the above claim in

preference to many others, equally just and legal claims. We therefore respectfully report the same back, without recommendation.

E. A. STEVENSON,
Chairman.

By Mr. Williams:

Mr. Speaker:—The Judiciary Committee, to whom was referred Assembly Bill, No. 260, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty, have carefully examined the same, report the bill back, and recommend its passage;

Also, Assembly Bill, No. 247, An Act to prohibit the Sale of Chinese Persons of either sex, is reported back, and its passage recommended;

Also, Assembly Bill, No. 251, An Act to amend an Act entitled "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, is reported back, and its passage recommended;

Also, Assembly Bill, No. 266, An Act to authorize Erastus M. Walker of San Joaquin County, California, to sell certain Lands in St. Francois County, Missouri, held by him in trust for Louisa Walker, his wife, now deceased, and his children, William A. Walker, Jefferson A. Walker, Louisa E. Walker, Mary A. Walker, and Erastus B. Walker, is reported back, and its passage recommended.

Assembly Bill, No. 265, An Act supplemental to an Act passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the office of County Assessor," is reported back, and its passage recommended.

Your committee have also had under consideration Assembly Bill, No. 263, An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one, and report the same back, and recommend its passage.

Assembly Bill, No. 262, An Act to declare the effect of Decrees of Divorce from Bed and Board, is reported back, and its passage recommended.

Assembly Bill, No. 257, An Act to Regulate the Fees of the County Clerk of Los Angeles County, is reported back, with a substitute, with the recommendation that the substitute be adopted.

WILLIAMS,
Chairman.

Mr. Stevenson moved to adjourn.

Upon which, Messrs. Williams, Smith, and Rogers of San Francisco, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Gallagher, Groom, Halsted, Hammond, Lovell, Malarin, McDermit, Pate, Phelps, Schmidt, Shannon, Shattuck, Stevenson, Stone, Theller, Tilton, Warner, and Wilson—27.

Noes—Messrs. Beach, Conn, Gwinn, Haliday, Harville, Hayes, Henry, Hugg, Johnson of Amador, Kungle, Lambert, Lewis, Makins, O'Connor, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Starr, Swan, Watson, Welty, Wescott, Wilkins, Williams, Yancey, and Mr. Speaker—28.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 72, An Act supplementary to "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act providing for the Permanent Location of the Seats of Justice in the several Counties,'" passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 217, An Act supplementary to "An Act for the formation of Corporations for certain purposes," approved April fourteenth, one thousand eight hundred and fifty-three;

Also, Assembly Bill, No. 67, An Act to repeal part of an Act entitled "An Act for the Protection of Settlers and quiet Land Titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six;

Also, Substitute for Assembly Bill, Nos. 49 and 88, An Act to provide for the Publication of the General Laws of this State in force at the expiration of the Eleventh Session of the Legislature;

Also, Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved twenty-eighth of March, one thousand eight hundred and fifty-nine.

BEN. T. O'REAR,
For the Committee.

Mr. Stevenson moved to adjourn.
Lost.
Mr. Crowell moved a call of the House.
Lost.
Mr. Stevenson moved to adjourn.
Lost.
Mr. Johnson of Amador made the following report:

Mr. SPEAKER:—Your Committee on Mines and Mining Interests, have had under consideration Assembly Bill, No. 218, An Act for the better protection of Mining Claims in this State," with an amendment, and recommend its passage as amended.

JOHNSON
Of Amador, Chairman.

Mr. Conness moved a call of the House.
Lost.
Mr. Kungle moved to adjourn.
Upon which, Messrs. Conness, Theller, and Crowell, demanded the ayes and noes, with the following result:

AYES—Messrs. Bailey of Tuolumne, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Gallagher, Groom, Halsted, Hammond, Kungle, Laspeyre, Malarin, McDermit, Pate, Schmidt, Shannon, Shattuck, Stevenson, Stone, Swan, Theller, Tilton, Warner, Wescott, White, and Wilson —30.

NOES—Messrs. Bailey of Santa Clara, Beach, Conn, Gwinn, Haliday, Harville, Hayes, Henry, Hugg, Johnson of Amador, Johnson of Sierra,

Lambert, Lawrence, Lovell, Makins, O'Connor, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Starr, Welty, Wilkins, Williams, Yancey, and Mr. Speaker—28.

And so the House at four o'clock, P. M., adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 8th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Yager had leave of absence for six days:

GENERAL FILE.

Substitute for Assembly Bills, Nos. 49 and 88, An Act to provide for the Publication of the General Laws of this State in force at the Expiration of the Eleventh Session of the Legislature—read third time, and—

On its passage, Messrs. Warner, O'Rear, and Starr, demanded the ayes and noes, and it was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Beach, Bowman, Burson, Conn, Conness, Covarrubias, Daggett, Ellis, Fairchild, Gallagher, Halstead, Hammond, Harville, Hawley, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lovell, Makins, Malarin, McDermit, Pate, Phelps, Rogers of San Francisco, Rogers of Tuolumne, Schmidt, Shannon, Shattuck, Shelton, Starr, Stevenson, Swan, Theller, Tilton, Walden, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, and Yancey—44.

NOES—Messrs. Bailey of Tuolumne, Crowell, Dunlap, Groom, Gwinn, Haliday, Hayes, Howe, Hugg, King, Kungle, Lawrence, Lewis, O'Connor, O'Rear, Patten, Smith of Sutter, Stone, and Warner—19.

Mr. Laspeyre gave notice of reconsideration.

Assembly Bill, No. 222, An Act amendatory of "An Act to amend an Act entitled 'An Act providing for the Permanent Location of the Seats of Justice in the several Counties,'" passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 76, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine—

Read third time and passed.

Substitute for Assembly Bill, No. 67, An Act to repeal part of an Act entitled "An Act for the Protection of Settlers and to quiet Land Titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six.

Mr. Conness moved to recommit with special instructions to strike out the words "one, two, and three," in first line in section one.

Upon which Messrs. Conness, Theller, and Schmidt, demanded the ayes and noes, and it was referred by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Burson, Campbell, Conness, Coombs, Crowell, Dunlap, Gallagher, Gwinn, Haliday, Hammond, Hawley, Heston, Hugg, Johnson of Sierra, Kungle, Laspeyre, Lewis, Makins, Maxson, McDermit, O'Connor, Phelps, Schmidt, Shannon, Shattuck, Shelton, Starr, Stone, Theller, Tilton, Walden, Wescott, White, and Wilson—38.

Noes—Messrs. Bowman, Conn, Covarrubias, Daggett, Ellis, Harville, Hayes, Howe, King, Lamar, Lambert, Lawrence, Lovell, Malarin, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Stevenson, Swan, Warner, Watson, Welty, Wilkins, Williams, Yancey, and Mr. Speaker—28.

The House refused to order to engrossment Assembly Bill, No. 20, An Act regulating Prosecutions in cases of Bastardy and to Provide for the Support of Illegitimate Children.

REPORTS.

Reports were made as follows:

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 271, An Act to fix the time of holding the County Court and Court of Sessions in Solano County;

Also, Assembly Bill, No. 234, An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the Foot of Main Street, in Napa City in the County of Napa;

Also, Assembly Bill, No. 188, An Act amendatory of an Act entitled "An Act to amend 'An Act to provide Revenue for the Support of the Government of this State,'" passed May fifteenth, one thousand eight hundred and fifty-four, approved April seventeenth, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and Prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 211, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes;

Also, Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estate of Deceased Persons," approved May first, one thousand eight hundred and fifty-one.

BEACH,
Chairman.

By Mr. Laspeyre:

Mr. Speaker:—The Committee on Public Printing, to whom was referred the annual report of the Quartermaster and Adjutant-General, have had the same under consideration, and ask leave to report the mat-

ter back to the House, with a recommendation that nine hundred and sixty copies be printed.

This office having been created by law, and it being the duty of the officer acting under authority, to submit his annual report to the Legislature, we believe it is but doing justice to order the printing of said report.

T. LASPEYRE.

Adopted.

By Mr. Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 109, An Act to declare Navigable the Arroyo de San Antonio, or Keys Creek in Marin County, have considered the same, and I am instructed to report it back recommending its passage.

HENRY,
Chairman.

Also, Assembly Bill, No. 232, An Act to regulate Fees in Office, in Mariposa County, ordered engrossed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, March 7th, 1860.

Mr. SPEAKER:—The Senate have this day passed Senate Bill, No. 181, An Act concerning the Government of the City of Marysville;

Also, Senate Bill, No. 114, An Act to provide for the appointment of a State Assayer, of Ores and Metals, and to define his Duties.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 181, above reported, read first and second times, rules suspended, read third time and passed.

Also, Senate Bill, No. 114, above reported, read first and second times, and referred to Committee on Mines and Mining Interests.

GENERAL FILE RESUMED.

Assembly Bill, No. 212, An Act to exempt persons who are, or may hereafter become members of a Fire Company, from the payment of Poll Tax—amended, and—

On engrossment Messrs. Conness, Shannon, and Tilton, demanded the ayes and noes, and it was so ordered by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Campbell, Crowell, Fairchild, Halsted, Hawley, Henry, Hugg, Johnson of Amador, Kungle, Lambert, Lovell, Maxson, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Welty, Wilkins, and Mr. Speaker—30.

NOES—Messrs. Bailey of Tuolumne, Conn, Conness, Coombs, Covarrubias, Dunlap, Gwinn, Haliday, Hammond, Harville, Heston, Howe, Johnson of Sierra, Lamar, Lewis, Makins, O'Connor, Phelps, Rodgers of Tuolumne, Shannon, Shelton, Stone, Swan, Warner, Wescott, White, Williams, Wilson, and Mr. Yancey—29.

Mr. Theller made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 189, An Act to authorize the the Sale of the Real Estate of the late Joel Allen, deceased;

Also, Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River at its mouth, to parties therein mentioned.

SAMUEL L. THELLER,
Chairman.

By Mr. Henry:

Mr. SPEAKER:—The Special Committee, to whom was referred Bill, No. 275, An Act to extend the time for the collection of Taxes in the County of San Luis Obispo, report the same back and recommend its passage.

HENRY,
Of the Committee.

Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become Dry or Fordable at any Season of the year, throughout the State—substitute adopted and ordered engrossed.

Substitute for Assembly Bills, Nos. 96 and 111, An Act in relation to Chinese and Mongolians working in the Mines of this State—made special order for Tuesday next, March thirteenth, at ten minutes past one o'clock.

PETITION.

The following petition was presented:

By Mr. Maxson, Of citizens of San Mateo County, relative to San Mateo Creek.

Placed on file.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 7, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 62, An Act to prohibit Gaming;

Also, Assembly Bill, No. 171, An Act to prevent the stealing of Dogs.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 7, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 210, An Act to amend an Act entitled "An Act to incorporate

the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American Fork River, at a point north of C Street, north and between Front and Seventh Streets, as designated on the Plat or Plan of the City of Sacramento.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, March 8, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Concurrent Resolution, No. 54, Relative to leave of absence to S. P. Skiniker;

Also, Assembly Bill, No. 252, An Act to amend an Act entitled "An Act concerning Roads and Highways in the County of Humboldt.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Wednesday, March 7, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County to levy a Bridge Toll at Brockliss, on the Sacramento and El Dorado Wagon Road over the Sierra Nevada;

Also, Assembly Bill, No. 249, An Act to legalize an order of the Board of Supervisors of Santa Cruz County, and all proceedings had thereunder and dependent thereon;

Also, Senate Bill, No. 165, An Act authorizing and empowering Herman Eckhart, of Butte County, Guardian of Frank Spinser Eckhart, to convey by good and sufficient Deed, or Deeds, certain Lands in said County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 39, above reported, read first and second times and referred to the Sacramento and El Dorado Delegation.

Senate Bill, No. 165, above reported, read first and second times and referred to the Judiciary Committee.

SENATE CHAMBER,
Wednesday, March 7, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 169, An Act for the relief of Michael Gregory.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 169, above reported, read first and second times and referred to the Committee on Claims.

PETITION.

The following petition was presented:

By Mr. Lawrence, Of citizens of Trinity County relative to Hog Law. Referred to Trinity Delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Crowell, An Act to create the Office of State Marshal, define his Duties and provide for his Compensation.

By Mr. Starr, An Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors.

By Mr. Malarin, An Act to levy a Special Tax in Monterey County;

Also, An Act to amend an Act concerning Hogs running at large in certain Counties.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lawrence, An Act to amend an Act entitled "An Act to provide for the Incorporation of Rail Road Companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Williams, An Act to repeal "An Act Extending the Privileges of the Homestead Law to certain Persons and to regulate the creation of the same," passed at the eleventh session.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Harville, An Act to Abate Public Nuisances.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams, An Act amendatory of "An Act to provide for the Incorporation of Rail Road Companies," approved April twenty-second, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Bailey of Tuolumne, An Act to provide against Fraud in the Collection of Debts.

Read first and second times, and referred to the Judiciary Committee.

Also, An Act to authorize the Board of Trustees of the City of Sonora to levy a Special Tax for the Benefit of the Fire Department.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Starr, An Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and protection of Creditors."

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shattuck An Act supplemental to an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Johnson of Sierra, An Act to authorize certain Counties to retain the State portion of the Poll Tax, less that portion authorized by Law to be paid into the General School Fund which shall be collected in the said Counties for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, and to be applied to the construction and improvement of a Wagon Road from La Porte to Jamison City.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Wilkins, An Act to amend an Act entitled "An Act concerning the Office of Surveyor-General."

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. McDermit, An Act to Change the Name of Moses E. Phillipowski to that of Moses E. Phillips.

Read first and second times, and referred to the Committee on Names.

By Mr. Swan, An Act for the Relief of Joseph Summers, and to authorize the Trustees of Benicia to pay him his Claim against the late City of Benicia.

Read first and second times, and placed on file.

By Mr. Groom, An Act to repeal an Act entitled "An Act to Encourage the supply of Fresh Water on the Desert West of Fort Yuma," approved April fifteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 199, An Act to Legalize certain Records of the County of San Bernardino and concerning the Recorder of said County;

Also, Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty;

Also, Assembly Bill No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the Seventeenth Judicial District in the County of Plumas.

JOHN DAGGETT,
Chairman.

The motion to reconsider the vote by which the House on yesterday passed Senate Bill, No. 88, An Act appropriating Moneys for the Benefit of the San Francisco Ladies Protection and Relief Society, was made the special order for to-morrow at two o'clock, P. M.

SPECIAL ORDER.

Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State—considered in Committee of the Whole, and reported.

Mr. Conness offered the following substitute for section two: "The Board of Examiners are hereby authorized to pay the Officers and Men employed in the Expedition such amount as shall be found due according to the "Act concerning the Organization of the Militia," approved April twenty-fifth one thousand eight hundred and fifty-five.

Mr. Stevenson moved the previous question.

Upon which Messrs. Laspeyre, Tilton, and Makins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Burson, Campbell, Covarrubias, Crowell, Daggett, Groom, Gwinn, Hammond, Henry, Heston, Johnson of Sierra, Kungle, Lambert, Lewis, Lovell, McDermit, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Stevenson, Stone, Theller, Wescott, White, and Yancey—30.

NOES—Messrs. Bailey of Tuolumne, Conn, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallagher, Haliday, Halsted, Harville, Hawley, Hayes, Howe, Hugg, King, Laspeyre, Lawrence, Makins, Malarin, Maxson, O'Connor, Pate, Phelps, Schmidt, Shannon, Shattuck, Starr, Swan, Tilton, Warner, Welty, Wilkins, Williams, Wilson, and Mr. Speaker—36.

On the adoption of the amendment of Mr. Conness, Messrs. Beach, Johnson of Sierra, and Hugg, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Conn, Conness, Crowell, Fairchild, Haliday, Halsted, Harville, Howe, Hugg, King, Laspeyre, Makins, Malarin, O'Connor, Patten, Phelps, Starr, Tilton, Warner, and Wilson—20.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Burson, Campbell, Coombs, Covarrubias, Daggett, Ellis, Gallagher, Groom, Gwinn, Hammond, Hayes, Henry, Heston, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lewis, Lovell, McDermit, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Smith of Sutter, Stevenson, Stone, Swan, Theller, Watson, Welty, Wescott, White, Wilkins, Williams, Yancey, and Mr. Speaker—45.

Mr. Johnson of Sierra moved the previous question.

Upon which, Messrs. Laspeyre, Coombs, and Henry, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Burson, Campbell, Coombs, Covarrubias, Crowell, Daggett, Groom, Gwinn, Hammond, Hayes, Henry, Heston, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lewis, Lovell, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Watson, Wescott, White, Yancey, and Mr. Speaker—39.

NOES—Messrs. Bailey of Tuolumne, Conn, Conness, Dunlap, Ellis, Fairchild, Gallagher, Haliday, Halsted, Harville, Howe, Hugg, King, Laspeyre, Makins, Malarin, O'Connor, Patten, Shannon, Shattuck, Starr, Swan, Tilton, Warner, Welty, Wilkins, Williams, and Wilson—27.

Mr. Stevenson moved to suspend the rules to consider the bill engrossed.

Upon which, Messrs. Shannon, Makins, and Coombs, demanded the ayes and noes, and the rules were suspended, and the bill considered engrossed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Burson, Campbell, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Groom, Gwinn, Hammond, Hayes, Henry, Heston, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovell, McDermit, Malarin, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Walden, Watson, Welty, Wescott, White, Wilkins, Williams, and Wilson—47.

NOES—Messrs. Bailey of Tuolumne, Conn, Conness, Coombs, Fairchild, Gallagher, Haliday, Halsted, Harville, Howe, Hugg, King, Makins, O'Connor, Shannon, Tilton, Watson, and Mr. Speaker—18.

The bill was read a third time, and on its passage, Messrs. Conn, War-

ner, and Smith of Sutter, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Burson, Campbell, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Groom, Gwinn, Hammond, Hawley, Hayes, Henry, Heston, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovell, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Walden, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, and Yancey —48.

Noes—Messrs. Bailey of Tuolume, Conn, Conness, Coombs, Fairchild, Gallagher, Haliday, Halsted, Harville, Howe, Hugg, King, Makins, Malarin, O'Connor, Shannon, Tilton, Watson, and Mr. Speaker—19.

Mr. Laspeyre gave notice of reconsideration.

Mr. Stevenson moved to adjourn.

Upon which, Messrs. Stevenson, Johnson of Sierra, and Howe, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bell, Campbell, Covarrubias, Daggett, Groom, Hammond, Henry, Heston, Johnson of Sierra, Kungle, Lambert, Lewis, Lovell, O'Rear, Rodgers of Tuolumne, Shelton, Stevenson, Stone, Walden, and Wescott—22.

Noes—Messrs. Beach, Conn, Conness, Coombs, Crowell, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Harville, Hawley, Hayes, Howe, Hugg, Johnson of Amador, King, Laspeyre, Lawrence, Makins, Malarin, Maxson, McDermit, O'Connor, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Shannon, Shattuck, Smith of Sutter, Starr, Swan, Theller, Tilton, Warner, Watson, Welty, White, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—46.

Mr. Stevenson gave notice to reconsider the vote by which the House ordered engrossed Assembly Bill, No. 212, An Act to exempt persons who are, or may hereafter become members of a Fire Company, from the payment of a Poll-Tax.

Motion ruled out of order.

At five o'clock, on motion of Mr. Stevenson, the House adjourned.

IN ASSEMBLY.

House of Assembly,
Friday, February 9, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Messrs. Sawyer and Goodman had indefinite leave of absence, and Mr. Bowman for one day.

Mr. Laspeyre moved to reconsider the vote by which the House on yes-

terday passed Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

Mr. Stevenson moved the previous question.

Upon which Messrs. Conness, Howe, and Johnson of Sierra, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Campbell, Covarrubias, Crowell, Dunlap, Groom, Gwinn, Haliday, Hammond, Hawley, Henry, Heston, Kungle, Lamar, Lambert, Lewis, Lovell, Malarin, McDermit, Pate, Rogers of San Francisco, Shattuck, Shelton, Smith of Sutter, Stevenson, Stone, Theller, Walden, Welty, Wescott, White, Wilkins, Williams, and Yancey—38.

Noes—Messrs. Burson, Conn, Conness, Ellis, Fairchild, Gallagher, Halsted, Harville, Hayes, Howe, Hugg, King, Laspeyre, Lawrence, Makins, Maxson, O'Connor, Patten, Phelps, Shannon, Starr, Swan, Tilton, Warner, Watson, Wilson, and Mr. Speaker—27.

On reconsidering the vote, Messrs. Conn, Conness, and Crowell, demanded the ayes and noes, and the House refused to reconsider by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Conn, Conness, Coombs, Fairchild, Gallagher, Haliday, Halsted, Howe, Hugg, King, Laspeyre, Makins, Maxson, O'Connor, Swan, Tilton, Warner, Watson, Wilson, and Mr. Speaker—24.

Noes—Messrs. Babcock, Bell, Burson, Campbell, Covarrubias, Crowell, Dunlap, Ellis, Groom, Gwinn, Hammond, Harville, Hawley, Hayes, Henry, Heston, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Lawrence, Lewis, Lovell, Malarin, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Theller, Walden, Welty, Wescott, White, Wilkins, Williams, and Yancey—47.

On motion of Mr. King, the rules were suspended and Assembly Bill, No. 257, An Act to regulate the fees of the County Clerk of Los Angeles County—taken up and recommitted to the Los Angeles and San Diego delegations.

GENERAL FILE.

Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty;

And Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one—

Read third time and passed.

Assembly Bill, No. 85, An Act to provide for the disposal of the Sixteenth and Thirty-sixth Sections of Land donated to this State for School Purposes by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund.

Mr. Lamar moved to make the further consideration of the bill the special order for Wednesday next.

Upon which Messrs. Conness, Beach, and Yancey, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Burson, Coombs, Gwinn, Halsted, Hammond, Lamar, Laspeyre, Lewis, Lovell, Makins, Malarin, Maxson, Shattuck, Starr, Stevenson, Swan, Theller, Walden, Warner, Welty, Wilkins, Williams, and Yancey—23.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Campbell, Conn, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Haliday, Harville, Hawley, Hayes, Henry, Howe, Hugg, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Smith of Sutter, Stone, Tilton, Watson, White, Wilson, and Mr. Speaker—43.

Mr. Lamar moved to make the bill the special order for to-morrow at half past one o'clock.

Upon which Messrs. Lamar, Conness, and Laspeyre demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Conn, Coombs, Covarrubias, Gwinn, Halsted, Hammond, King, Lamar, Laspeyre, Lewis, Lovell, Makins, Malarin, Maxson, Shattuck, Smith of Sutter, Stevenson, Swan, Walden, Warner, Welty, Wilkins, and Williams—23.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Burson, Campbell, Conness, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Haliday, Harville, Hawley, Hayes, Henry, Howe, Hugg, Johnson of Amador, Kungle, Lambert, McDermit, O'Connor, O'Rear, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Starr, Stone, Theller, Tilton, Watson, Wescott, White, Wilson, Yancey, and Mr. Speaker—42.

The bill was considered in Committee of the Whole, amended and reported, amendments of committee adopted.

Mr. Lambert offered the following amendment:

Strike out all after the word "Provided" in the fourth section, and insert "That the occupant, or occupants, of such lands who were the original improver, or improvers, as aforesaid, may purchase the amount of land they may have occupied or improved, though such land exceed one hundred and sixty acres.

Adopted.

Mr. Johnson of Amador moved to strike out the tenth section of the bill.

Upon which Messrs. Conness, Schmidt, and Theller, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Burson, Conness, Coombs, Dunlap, Gallagher, Halsted, Heston, Johnson of Amador, Lamar, Laspeyre, Lawrence, Lewis, Maxson, McDermit, O'Connor, Rogers of San Francisco, Schmidt, Shattuck, Shelton, Starr, Stevenson, Stone, Swan, Theller, Wilkins, Williams, and Wilson—28.

Noes—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Covarrubias, Ellis, Haliday, Hammond, Harville, Hayes, Howe, Hugg, Johnson of Sierra, Kungle, Lambert, Lovell, Makins, Malarin, O'Rear, Pate, Phelps,

Rodgers of Tuolumne, Shannon, Smith of Sutter, Tilton, Warner, Welty, Wescott, White, and Mr. Speaker—30.

Mr. Conness moved to strike out the tenth section, and offered the following substitute:

Section 10. All the moneys heretofore derived from the sale of the lands herein designated, shall be paid by the counties in which such lands have been sold, into the State School Fund.

Upon the adoption of the substitute, Messrs. Conness, Johnson of Amador, and Lambert, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Babcock, Burson, Conn, Conness, Coombs, Groom, Gwinn, Halsted, Hayes, Hugg, Johnson of Amador, Lamar, Lambert, Laspeyre, Lawrence, Lewis, Maxson, McDermit, Pate, Phelps, Rogers of San Francisco, Schmidt, Shattuck, Shelton, Smith of Sutter, Stevenson, Stone, Theller, Tilton, White, Wilkins, Williams, and Wilson—34.

Noes—Messrs. Bailey of Santa Clara, Beach, Covarrubias, Ellis, Fairchild, Haliday, Hammond, Harville, Heston, Howe, Johnson of Sierra, Kungle, Lovell, Makins, Malarin, O'Connor, O'Rear, Rodgers of Tuolumne, Sawyer, Shannon, Starr, Swan, Warner, Welty, Wescott, and Mr. Speaker—25.

And the bill was ordered engrossed.

SPECIAL ORDER.

The reconsideration of the vote by which the House, on the seventh March, one thousand eight hundred and sixty, passed Senate Bill, No. 88, An Act appropriating money for the benefit of the San Francisco Ladies Protection and Relief Society, the special order of the day was taken up.

On reconsidering the vote, Messrs. Conn, Welty, and Lawrence, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Campbell, Ellis, Groom, Gwinn, Haliday, Hammond, Harville, Hawley, Hayes, Howe, Lamar, Lewis, Makins, Stone, Wilkins, and Williams—19.

Noes—Messrs. Babcock, Conn, Conness, Coombs, Covarrubias, Crowell, Fairchild, Gallagher, Halsted, Henry, Heston, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lambert Laspeyre, Lawrence, Lovell, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Shelton, Starr, Stevenson, Swan, Theller, Tilton, Walden, Welty, Wescott, White, and Wilson—42.

Mr. Hayes offered a Concurrent Resolution, Relative to Mileage of Special Indian Committee.

Referred to Committee on Mileage.

Mr. Lovell offered a resolution providing for the Payment of Samuel D. Johns.

Referred to Committee on Accounts and Expenditures.

Mr. O'Rear made the following report:

Mr. Speaker:—The Committee on Engrossment have examined the following bill, and find it correctly engrossed;

Assembly Bill, No. 95, An Act to create the County of Mokelumne, and provide for its Organization.

BEN O'REAR,
For C[illegible]tee

Assembly Bill, No. 95, An Act to create the County of M[illegible]lumne, and provide for its Organization, made special order for Thursday, March fifteenth, one thousand eight hundred and sixty, at two o'clock.

Mr. Bailey of Tuolumne, made the following report:

REPORT OF JOINT COMMITTEE ON THE CAPITAL QEUSTION.

To the Honorable the Senate and Assembly:

Mr. SPEAKER:—Pursuant to the authority embodied in the Joint Resolution hereto appended, your committee beg leave to make the following report:

Resolved, By the Assembly, the Senate concurring, that a Joint Committe of four from the Assembly, and four from the Senate, be appointed to take into consideration the permanent location, and, if deemed expedient, the removal of the Seat of Government, and to report thereon to the Senate and Assembly.

Having received information that the Board of Supervisors of the city of San Francisco were prepared to make certain proposals, in regard to the location and building of the capitol, and that the authorities of Oakland, San José, and other places, were also anxious to place certain lands and moneys at the disposal of the State, your committee deemed it advisable to visit the different places named, in order to be fully advised of the various advantages of each location, previous to making a final report to your Honorable Bodies.

On Friday, February seventeenth, therefore, your committee, accompanied by the proper officers, proceeded to the city of San Francisco. Before they returned to the capital the committee visitied the cities of Oakland, and San José, and received from the authorities such proposals as they were pleased to offer.

On Tuesday, February twenty-first, the committee received a deputation from the Board of Supervisors of San Francisco, and by invitation visited the various sites proposed to be donated by the city to the State. While engaged in this duty, the committee also entertained proposals from private parties, and in one instance, received a written proposition, and examined the tract of land mentioned in the communication.

[Proposition No. 1.]

The following note, and accompanying documents, were received by this committee, from the President of the Board of Supervisors of the city and county of San Francisco.

OFFICE OF THE PRESIDENT OF THE BOARD OF SUPERVISORS,
San Francisco, February 22, 1860.

To the Joint Committee of the Legislature of California, on the Removal of the Capital of the State of California from Sacramento:

GENTLEMEN:—Inclosed, you will find two resolutions of the Board of Supervisors of the city and county of San Franciso, respectively passed February first and seventh, one thousand eight hundred and sixty,

and which I now send to you as the official proposal of the city and county of San Francisco to the State of California.

I have the honor to remain,
Yours, very respectfully,

H. TESCHEMACHER,
President Board Supervisors.

—

CLERK'S OFFICE, BOARD OF SUPERVISORS,
San Francisco, Feb. 22, 1860.

I hereby certify the following resolutions, Nos. 630 and 641, to be true copies of the originals now on file in this office.

MILO CALKIN,
Clerk.

—

Preamble and Resolution No. 630.

Whereas, It is represented to this Board, that the Legislature of the State of California are desirous of removing the capital of the State to, and fixing the same in, this city; and,

Whereas, The people of the city and county of San Francisco, represented in this Board of Supervisors, are desirous of promoting and encouraging the location of the State Capital in this city, deeming it for the best interests of the people of the entire State that the State Capital should be permanently located here, this being the commercial center of the State. Now, therefore, in order to promote the said removal and location, be it

Resolved, That this Board of Supervisors, of the city and county of San Francisco, representing the people of said city and county, do hereby offer and tender, to the State of California, freely, and without price or charge, the use of one of the principal blocks, squares, or plazas, within, and belonging to, the said city and county of San Francisco, for the use of the State, upon which to build a capitol, and that any one of the open squares belonging to the city and county, except "Portsmouth Square," be, and the same is, hereby tendered, which may be selected by a Joint Committee, to be appointed by both Houses of the Legislature of this State; and when so selected, and this tender accepted, then this Board will grant, convey, and confirm, the use of the same to the State, perpetually, or so long as the same may be occupied for the purposes of a State Capitol.

In Board of Supervisors, January thirtieth, one thousand eight hundred and sixty, finally passed by the following vote:

AYES—Supervisors Biden, Gates, Brooks, Young, Tennent, Paxson, Davies, Otis, Randall, and Lynch.

NOES—Britton and Johnston.

MILO CALKIN,
Clerk.

Approved, San Francisco, January thirty-first, one thousand eight hundred and sixty.

H. F. TESCHEMACHER,
President Board Supervisors.

Preamble and Resolution No. 641, in relation to a State Capitol.

Whereas, Petitions have been presented to this Board, signed by a large portion of the real estate and property owners of this city and county, asking this Board to appropriate the sum of one hundred and fifty thousand dollars in bonds of this city, bearing interest at seven per cent. per annum, and payable in ten years, and to appropriate the use of one of the blocks or squares of the city of San Francisco to the State of California, to be used as a site of the State Capitol, on condition that the Legislature remove the Capitol of the State to this city, the said money to be used in the erection of a State House upon said land. The building and land to remain the property of the State so long as the capitol shall remain in said city, but in case the capitol be removed from this city, then said property to revert to the city and county of San Francisco.

And, Whereas, This Board do concur in the sentiments of said petitioners; be it therefore

Resolved, That the Legislature be requested to authorize the Board of Supervisors of the city and county of San Francisco to issue bonds to the amount of one hundred and fifty thousand dollars, payable in ten years, bearing interest at the rate of seven per cent. per year, with coupons attached, and to levy and assess upon all taxable property in the said city and county of San Francisco, to pay the annual interest upon the sum of one hundred and fifty thousand dollars. Said bonds to be donated to the State for the use and purposes above expressed. The said assessment to be levied and collected at the first annual levy, assessment, and collection of taxes, by said city and county, after the passage of an act by the Legislature accepting the terms of this resolution and granting the powers above specified.

Resolved, That this resolution be taken as a further and additional offer and tender to that which passed this Board as Resolution, No. 680.

In Board of Supervisors, February seven, one thousand eight hundred and sixty, finally adopted by the following vote:

Ayes—Supervisors Biden, Gates, Young, Tennent, Davies, Johnston, and Randall.

Noes—Supervisors Britton, Brooks, Paxson, Otis.

Approved San Francisco, one thousand eight hundred and sixty.

MILO CALKIN,
Clerk.

H. F. TESCHEMACHER,
President Board of Supervisors.

[Proposition No. 2.]

San Francisco, February 6, 1860.

To the Honorable, the Committee of the Legislature on Examination of Sites for the Permanent Location of a State Capital:

Gentlemen:—We, the undersigned, owners of the hereinafter described premises, make the following proposition toward securing the permanent location of the State Capital at the city of San Francisco.

We will, for the purpose aforesaid, convey, free of cost, to the State the four blocks of land, being blocks Nos. 80, 81, 132, and 133, Western Addition, bounded by Eddy, O'Farrell, and Gough streets, and Van Ness Avenue. Also, we will agree to plank the streets entirely around the same, and plank two streets connecting the said land with the planked streets of the city.

The land is an elevation, with a nearly level surface of about three blocks on the summit, and commands one of the most extensive views to be obtained in the city or county, and is approachable on all sides, by a gentle and regular grade. We believe that the site herein proposed, possesses greater advantages for the purposes aforesaid, than any other which can be offered, and respectfully request that the same may be examined by you.

We will give satisfactory bonds to quiet every title to the premises, and comply with the foregoing proposition, in every particular.

Very respectfully,
Your obedient servants,

BEIDEMAN & PAGE,
94 Merchant Street, San Francisco.

[Proposition No. 3.]

The third proposition is from the citizens of Oakland, and is a renewal of the offer made by the same parties one year ago. Ten acres of land in the most pleasant part of the city will be granted for the proposed site of a capitol. As the members of the Legislature, generally, are acquainted with all the circumstances relative to the former offer of the people of Oakland, your committee deems it unnecessary to extend a notice of the same.

[Proposition No. 4.]

The authorities of the county of Santa Clara claim that the removal of the capital from Jan José to Vallejo, and every subsequent removal, was unconstitutional; and the citizens of San José also claim that as the removal was illegal, the proper place for the capital is at that city. No new phase of the case was presented to your committee; and, as in the case of Oakland, the Legislature is acquainted with the whole matter, the mere notice of the facts is deemed sufficient.

[Proposition No. 5.]

The city of Sacramento having already donated to the State a public lic square for the public buildings, including a capitol, the citizens renew the claims of said city, as being the proper place for the permanent location of the capital. The above mentioned lot of ground has been deeded to the State, and the necessary papers have been properly recorded. In the Board of Supervisors of the city and county of Sacramento, on Wednesday, March the seventh, one thousand eight hundred and sixty, the following preamble and resolutions were adopted:

Whereas, The public authorities of this county, as a condition of the removal of the seat of government to Sacramento, did, in the year one thousand eight hundred and fifty-four, tender to the Legislature the full use of its court house, for the purposes of a capitol; and,

Whereas, In consequence of the subsequent destruction of said building by fire, a new one was required to be erected, at a cost of nearly two hundred and fifty thousand dollars, and other vicissitudes, of flood and conflagration, involved that city in heavy pecuniary calamities, by reason whereof the Legislature, from its own spontaneous action, and without the solicitation of the delegation of Sacramento, or the citizens thereof, passed an act authorizing the payment of rent, for the use of the new State House, then recently erected; and,

Whereas, In disregard of these facts, recent and unjust complaints have been publicly made that Sacramento had violated her good faith in tendering to the Legislature the free use of the State House, and then receiving rent for its occupation; and,

Whereas, The original tender of the free use of said building, by the authorities of Sacramento has never been withdrawn, and the rent for the use thereof has always been received as a gratuity from the State, under the circumstances aforesaid; therefore,

Resolved, That this Board do now renew to the Legislature, the original tender of the free use of the present State House, without rent or charge of any kind, and that such free use be permanent, so long as in the pleasure of the Legislature the occupation of said building shall continue.

WATKINS,
Chairman.

RECOMMENDATIONS BY THE COMMITTEE.

The Joint Committee, appointed by the Senate and Assembly, to take into consideration the permanent location of the seat of government, and, if it be deemed expedient, the removal of the capital, respectfully report:

That they have duly regarded the subject submitted to them in both its branches, and after a patient and mature investigation, submit the following conclusions.

The first question presented to them, in the order of precedence, involves an inquiry into the expediency of making a permanent location of the seat of government during the present session of the Legislature. By the phrase, "permanent location," as employed in the resolution under which they are acting, your committee understands, not a location rendered permanent *theoretically*, by an act of the Legislature, merely declaring it to be so, for that has already been done—as was well known by your Honorable Body—by the statute of one thousand eight hundred and fifty-four, which transferred the seat of government to Sacramento, and declared that to be the place of its permanent location. If, as is generally conceded, notwithstanding the provisions of that statute, making Sacramento the permanent location, the seat of government can still be removed by a majority vote of both branches of the Legislature, no new force could be given, nor higher sanction conferred by the mere passage of a new act, enacting that Sacramento, or any other place, should be the seat of permanent location. Your committee, therefore, understand the language of the resolution to signify a location rendered permanent *practically*, by the passage of an act providing for the immediate erection of a capitol at the place selected for the permanent seat of government, and the appropriation of a suitable fund for defraying the expenses there-

of. Regarding the question in this view, your committee have no hesitation in recommending the passage of an act authorizing the erection of a State House, and making a proper appropriation therefor.

The propriety of this recommendation is sustained by the following reasons: For more than ten years California, although constantly increasing in wealth, population, and external influence, has never had a State House, nor any public buildings for the accommodation of her officers and courts of justice, of which the ownership was vested in herself. During all that time, from this very destitution, her seat of government, although nominally permanent, has fluctuated from point to point, until the instability of its location has become a reproach and almost a derision among the people. Again, the erection of a State House and the necessary public buildings by the State, would not only relieve her from the necessity of depending on the charity or the caprice of those local quarters where her capital chances for the time to be, but would also provide accommodations better suited to her wants, more adaptive and appropriate, more ornamental, and what is of no less importance, devoted exclusively and forever to the uses of the State. Strangers visiting the State are struck with astonishment at the fact that in spite of her enormous wealth, and during so long a period of time, she has had no public buildings, and not even a capitol which she could call her own. Again, the erection of a State House would prove the means, and the only means, of giving permanent location to the seat of government, and thus allaying the agitation which the claims of rival sections will keep constantly alive until the permanent location has been absolutely and unalterably fixed. From this agitation spring innumerable evils. A large portion of the time, and a still larger portion of the money of each succeeding legislature is squandered in the discussion of this question, the creation of committees, the consequent delay of other and more important business, the traffic and bargaining in votes on other measures which are interwoven with this subject, and the numerous adjournments which occur. It is capable of demonstration, that the frequent removals of the capital, and the discussions and delays which have resulted from the agitation of this fruitful topic, have cost the State a larger sum than would have sufficed for the entire erection and completion of a State House.

Having thus, for these and other reasons, too voluminous to be set forth in a report, arrived at the conviction that a permanent location, rendered effectual by an adequate appropriation for the building of a capitol is desirable, your committe recommend that proper action be taken by your Honorable Body for the immediate establishment of a permanent seat of government, in the manner which they have prescribed.

The next consideration presented to your committee by the resolution under which they act is, whether it be deemed expedient that the capital shall be removed from Sacramento.

In the discharge of their duty, your committee have visited all those cities which are before the Legislature as competitors for the site of a permanent location, and while they refrain from specifying in detail the local disabilities and merits of all other claimants, they are constrained to admit, after a patient and impartial examination, that Sacramento, in her position and resources, is not only more eligible and adaptive, but combines a greater number of facilities and advantages for a permanent location than any other site within the State. Having been located ineffectually at various other points, and after a brief season of experiment and failure, transferred to new quarters, only to be again set in motion, the seat of government was, by an act of the Legislature, permanently

established at Sacramento, in the year one thousand eight hundred and fifty-four. There it has remained ever since; and although repeated efforts have been made to effect a transfer to new quarters during the last six years, the failure of these attempts is in itself a strong argument in favor of the superiority of that location over any other. By a very heavy vote, and with the entire sanction of the people, the Legislature of one thousand eight hundred and fifty-six not only decided in further favor of its permanency, but provided for the erection of a State House, with an ample appropriation therefor, and but for the decision of the Supreme Court, deciding that act of the Legislature unconstitutional on pecuniary grounds, this vexatious question would have been forever set at rest. Moreover, the acquiescence of the people for so long a period in the existing location, is clearly significant of the popular approval. In point of size, Sacramento is the second city of the State. While on the one hand it is sufficiently populous and extensive to accommodate the wants of a Legislature and insure the convenience and comfort of its members, on the other, it is destitute of the corrupting influences and moneyed power of a great metropolis. It is situated at the virtual head of navigation, and though not the geographical center, is the center of population, communication, and intelligence. From it, as from a focal point, the routes of travel radiate, by stages, steamboats, and railroad, in every direction, to the utmost extremities of the State. Statistical examination fully establishes that it is the point of easiest access to the larger masses of the population, and the most influential counties. It is the great emporium of the vast mining region of the north. Not because it is the capital, but because of its local advantages alone, it has become the point at which all public movements of the people concentrate, and the place where conventions, whether organized for political, industrial, mechanical, professional, mining, or scientific objects, are uniformly held. Its situation reduces the mileage fees of members far below the amount required by any other location in the State.

In view of these facts, and others of a kindred character, your committee have no hesitation in declaring that the removal of the Capital would be inexpedient and injurious to the best interests of the Government. It is obvious that any location, south of Sacramento, would become still more objectionable, if the contemplated division of the State should be accomplished. Without conceding the absolute right of instruction, your committee are gratified to find these views so generally sanctioned by the indications of the popular will. Not only have those counties where this question has been submitted to the people, declared for Sacramento, but her claims have been upheld by the almost unanimous voice of the press, which may fairly be regarded as the true criterion of public sentiment upon this subject.

In considering the liberal offers by San Francisco toward the erection of a State House, your committee are not prepared to say but that its ultimate expenses of construction, if located in that city, independently of the donated sum, would more than equal the entire cost of building a capitol at Sacramento. Past experience, however, has demonstrated that it is unsafe to rely upon offers of local competition, nor is such a system consistent with the true dignity of an opulent and independent State. In justice to Sacramento, they have investigated the imputation of breach of faith on her part, in non-complying with the terms on which she procured the removal of the seat of government from Benicia, and find that charge unsustained. Sacramento offered the free use of her court-house as a condition of removal. That use was given until the building was

destroyed by fire. Another was immediately erected at a cost of nearly two hundred and fifty thousand dollars, the use of which was continued by her to the Legislature until, at a subsequent session, on a motion of a member from another county, made in view of her heavy losses and large public debt, the Legislature, without any action on her part, passed a voluntary and almost unanimous resolution to pay rent for the use of the State House from that time.

In summing up their views upon this whole subject, founded upon the reasons hereinbefore set forth, your committee having given it that earnest consideration which its importance demands, and in accordance with the resolution under which they were authorized to act, earnestly recommend:

First—That a permanent location of the Seat of Government is expedient, and to that end an appropriation should be made for the immediate erection of a State House.

Second—That the removal of the capital from Sacramento is inexpedient, and would be injurious to the public interests.

All of which, is respectfully submitted.

W. P. WATKINS,
JOHN A. EAGON, } Senate.
J. P. HAYNES.
GEO. W. BAILEY, House.

MEMORIALS.

Memorials were presented as follows:

By Mr. Williams, Of citizens of San José, for Donation to Sisters of Mercy.

By Mr. Theller, Of the Sisters of Mercy, for same—

Were referred to the Special Committee.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred a resolution inquiring into the condition of the suits, if any, pending between the People of the State of California and the sureties upon the official bonds of S. A. McMeans, late State Treasurer, report, that they have conferred with the Attorney-General, Mr. Williams, and find that there are two suits now pending in the District Court of the Sixth Judical District, against the sureties of Mr. McMeans—one for the sum of twenty-nine thousand seven hundred and eighty-five dollars and forty-seven cents, on his first official bond, and one for the sum of one hundred and fifty-eight thousand one hundred and ninety-nine dollars and fourteen cents, against the sureties on his third official bond; and that these suits have not been prosecuted to judgment, for the reason that in regard to the sureties on the first bond, it is esteemed doubtful whether an action could be maintained, and if a judgment could be obtained against the sureties on the third, it is more than probable that nothing could be realized from it. These persons are represented as being, for the most part, insolvent, and from former experience, in such suits, it is quite certain no amount of money could be made out of their property and effects equal to the expense of the necessary legal proceedings.

It is therefore urged on behalf of those persons, that it would be a fruitless oppression and persecution, should the State continue against them, a litigation from which she can derive no benefit, and which will only harass them and cramp their efforts to make a decent livelihood for their families. They say, therefore, that the interests of the State will not be, in anywise, promoted by keeping these useless suits suspended over the heads of her citizens; but, on the contrary, that large sums of money will be expended in their prosecution in vain.

They urge, moreover, that the release of the sureties is abundantly justified by precedent, and by considerations both of justice and expediency. The committee, for the reason above set forth, and for others, deem it the part of policy to discontinue the suits now pending against the sureties upon the bonds of Mr. McMeans, and they recommend the passage of the accompanying bill.

WILLIAMS,
Chairman.

Mr. Laspeyre moved to take up substitute for Assembly Bills, Nos. 49 and 88, An Act to provide for the Publication of the General Laws of this State in force at the expiration of the Eleventh Session of the Legislature, and moved to make the motion to reconsider the vote by which the House, on yesterday, passed the bill the special order for April second, at two o'clock.

Mr. Rodgers of Tuolumne moved the previous question.

Upon which, Messrs. Warner, Starr, and Theller, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Campbell, Coombs, Groom, Gwinn, Haliday, Halsted, Hawley, Hayes, Henry, Howe, Hugg, Lamar, Laspeyre, Lawrence, Lewis, Lovell, McDermit, O'Connor, Patten, Smith of Sutter, Stevenson, Stone, Tilton, Warner, Welty, Wescott, Wilson, and Mr. Speaker—28.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Conn, Conness, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Harville, Heston, Johnson of Sierra, Kungle, Lambert, Makins, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Swan, Theller, Walden, White, Wilkins, and Williams—35.

On reconsidering, Messrs. Moore, Babcock, and Conness, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Campbell, Coombs, Crowell, Gwinn, Haliday, Halsted, Hawley, Hayes, Howe, Hugg, Kungle, Lamar, Laspeyre, Lawrence, Lewis, Lovell, McDermit, O'Connor, O'Rear, Patten, Smith of Sutter, Stevenson, Stone, Tilton, Warner, Welty, Wilson, and Mr. Speaker—28.

Noes—Messrs. Babcock, Bailey of Santa Clara, Beach, Conn, Conness, Daggett, Dunlap, Ellis, Fairchild, Harville, Henry, Heston, Johnson of Amador, Johnson of Sierra, Lambert, Makins, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Swan, Theller, Walden, Wescott, White, Wilkins, and Williams—33.

Reports were made as follows:
By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at Private Sale;

Also, Assembly Bill, No. 115, An Act to Protect Female Children under seventeen years of age.

JOHN DAGGETT,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bill, and find it correctly engrossed:

Assembly Bill, No. 116, An Act to provide for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

BEN. O'REAR,
For the Committee.

Mr. Makins moved to adjourn.
Lost.
Mr. Johnson of Amador, made the following report:

Mr. SPEAKER:—The Committee on Mines and Mining Interests, to whom was referred Senate Bill, No. 114, An Act to provide for the appointment of a State Assayer of Ores and Metals, and define his Duties, have had the same under consideration, and report the bill back, recommending its passage.

JOHNSON,
Chairman.
BEN. HUGG,
F. YANCEY,
D. C. PATTEN,
P. H. GALLAGHER,
A. C. LAWRENCE.

Mr. Theller moved to adjonrn.
Lost.
Mr. Wilkins made the following report:

Mr. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly Joint Resolution, No. 1, Relative to the State of the Union, have had the same under consideration, and report the resolution back, and recommend its indefinite postponement.

WILKINS,
Chairman.

Mr. Howe moved to adjourn.
Lost.
The following report was made by Mr. Johnson of Amador:

Mr. SPEAKER:—The Calaveras and Amador delegations, to whom was referred the petition of citizens of Lancha Plana and Poverty Bar, asking for the right to construct a Free Foot Bridge across the Mokelumne

River, at some point between said towns, beg leave to report the same back, with the accompanying bill, and recommend the passage of the bill.

Respectfully submitted.

S. WILSON,
P. A. GALLAGHER,
H. A. SHELTON,
J. H. BOWMAN,
P. C. JOHNSON.

Bill above reported, read first and second times and placed on file.

At five o'clock, P. M., on motion of Mr. Kungle, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 10, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Leave of absence was granted as follows:

To Mr. Campbell, four days; Messrs. Wescott and Laspeyre, for two days each, and Messrs. Coombs and King, for one day each.

GENERAL FILE.

Substitute for Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 48, An Act to provide for the Payment of Volumes Twelve and Thirteen of the Reports of the Supreme Court of the State of California—committee amendments adopted, considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time and passed.

REPORTS.

Reports were made as follows:

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 78, An Act to extend the time for the Collection of Taxes in Mendocino County.

B. P. HUGG,
Chairman.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Accounts and Expenditures, to whom was referred a resolution, providing for the payment of eighty dollars to Samuel D. Johns, for services as Clerk to the Special

Committee appointed to examine the Accounts and Vouchers in relation to the Indian Hostilities in the northern Counties of this State, have had the same under consideration, and report the same back and recommend its adoption.

D. ROGERS,
Chairman.

The resolution, above reported, amended and adopted.

GENERAL FILE RESUMED.

Assembly Bill, No. 219, An Act to establish Teachers' Institutes—considered in Committee of the Whole, reported, recommended indefinite postponement of bill, and the bill was indefinitely postponed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, March 9, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 163, An Act to confer further powers upon the Board of Education and the Auditor and Treasurer of the City and County of San Francisco, also, amendatory of an Act, approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further powers upon the Board of Supervisors and auditor and County Treasurer of the City and County of San Francisco, and to authorize them to perform certain Acts therein named;"

Also, Assembly Bill, No. 211, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes;

Also, Assembly Bill, No. 78, An Act to extend the time for the Collection of Taxes in Mendocino County.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Tuesday, March 9, 1860.

Mr. SPEAKER:—The Senate have this day passed Senate Bill, No. 202, An Act concerning Roads and Highways in Siskiyou County;

Also, Senate Bill, No. 187, An Act to authorize the County of Butte to purchase two hundred thousand dollars Stock in the California Northern Railroad Company;

Also, Senate Bill, No. 271, An Act to fix the time of holding the County Court and Court of Sessions in Solano County.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 187, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 202, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Thursday, March 8th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 86, An Act

to Ratify and Confirm Order Number One Hundred and Seventy-Two of the Board of Supervisors of the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 86, above reported, read first and second times, and referred to the San Francisco Delegation.

SENATE CHAMBER,
Friday, March 9th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 108, An Act amendatory of, and supplemental to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State."

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 108, above reported, read first time.

SENATE CHAMBER,
Thursday, March 8th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 107, An Act appropriating Moneys for the Benefit of the Ladies' Seamen's Society of San Francisco;

Also, Senate Bill, No. 198, An Act to Change the Name of Francis Butler McAllister to Francis Butler.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 107, above reported, read first time.

Senate Bill, No. 198, above reported, read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Friday, March 9th, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 122, An Act authorizing certain parties to Construct a Wharf on Petaluma Creek, in Sonoma County;

Also, Senate Bill, No. 191, An Act to amend "An Act to Incorporate the the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 193, An Act authorizing the Collection of certain Taxes within the State.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 122, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 191, above reported, read first and second times, and referred to the Santa Clara Delegation.

Senate Bill, No. 193, above reported, read first and second times, and referred to the Committee on Ways and Means.

REPORT.

Mr. Sawyer made the following report:

(For report see appendix.)

The Bill, above reported, read first and second times, and referred to the Judiciary Committee, and ordered printed.

Senate Bill, No. 152, An Act to authorize the Board of Supervisors of Sierra County to levy certain Taxes for County Purposes, for the year one thousand eight hundred and sixty, amendments of delegation adopted, bill read third time and passed.

REPORT.

Mr. Theller made the following report:

Mr. SPEAKER:—Your Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 196, An Act for the Payment of J. Bithell;

Also, Assembly Bill, No. 235, An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County and to create a Contingent Fund.

SAM'L THELLER,
Of the Committee.

Mr. Rodgers of Tuolumne moved to adjourn.

Lost.

PETITIONS.

Petitions were presented as follows:

By Mr. Welty, Of citizens of Amador and Calaveras, protesting against Free Bridge across the Mokelumne River..

Referred to Calaveras and Amador Delegation.

By Mr. Williams, Of Members of the bar of Santa Clara County praying an amendment to the law fixing the terms of holding the District Court in said County.

Bill read first and second times, and placed on file.

REPORT.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 212, An Act to exempt persons who are, or may hereafter become, members of a Fire Company, from the payment of a Poll Tax;

Also, substitute for Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become dry or fordable at any season of the year throughout the State;

Also, Assembly Bill, No. 202, An Act abolishing the office of County Assessor and establishing the office of Township Assessor in Calaveras County.

BEN. O'REAR,
For the Committee.

By Mr. Hayes:

Mr. SPEAKER:—The Committee on Mileage, to whom was referred a resolution relative to the payment of the Special Committee that was appointed to visit Mendocino County to investigate the cause of the Indian difficulties, and for other purposes, report the resolution back with a recommendation that it be indefinitely postponed, for the reason that

they consider the precedent that would be established in allowing extra per diem unjust and dangerous.

The accompanying resolutions are reported as substitutes for the whole matter, and the committee recommend their adoption.

HAYES.

The Concurrent Resolution, above reported, recommitted to Committee on Mileage.

The resolution to pay Messrs. Phelps, Lamar, and Maxson, was adopted.

Mr. McDermit made the following report:

Mr. SPEAKER:—Your Auditing Committee have examined copying done for the Assembly from March fourth to the tenth, and find it as follows

Character of Work.	Folios.	Amount per Folio.	Amount.
Appendix	360	15 cts.	$54 00
do New	400	15 cts.	60 00
Printer	1,208	10	120 80
Totals..	1,968	.....	$234 80

C. McDERMIT,
Chairman.

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant, in favor of the Chief Clerk, J. M. Anderson, for the sum of two hundred and thirty-four dollars and eighty cents, payable out of the Copying Fund of the Assembly.

Adopted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conness, An Act to amend an Act entitled "An Act for the protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four.

Read first and second times and referred to the Committee on Agriculture.

Also, An Act to appropriate Money for the relief of Destitute Females in San Francisco.

Read first and second times and referred to the Committee on Claims.

By Mr. Warner, An Act to reincorporate the City of Los Angeles.

Read first and second times and referred to the Los Angeles Delegation.

By Mr. Theller, An Act amendatory of, and supplementary to, an Act entitled "An Act to repeal the several Charters of the City and County of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved

April nineteenth, one thousand eight hundred and fifty-six, and of the several Acts amendatory thereof.

Read first and second times and referred to the San Francisco Delegation.

Mr. Lawrence moved to adjourn.

Lost.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Walden, An Act explanatory of "An Act annexing a portion of San Joaquin County to Stanislaus County;"

Also, An Act to extend the provisions of an Act entitled "An Act to change the Time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven, to the County of Stanislaus;

Also, An Act to define and establish the Boundary Line of Stanislaus County.

By Mr. Babcock, An Act conferring further powers on the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Haliday, An Act to change the name of Irwin Blanco to that of Yres lo Blanco.

Read first and second times and referred to the Committee on Names.

REPORTS.

Mr. Welty made the following reports:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento by a duplicate issue of certain Bonds of said City, have considered the same, and have proposed certain amendments thereto, and recommend the passage of the bill as amended.

WELTY,
Chairman.

Mr. SPEAKER:—The Sacramento Delegation, have had under consideration Assembly Bill, No. 195, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets in the City and County of Sacramento, and propose certain amendments thereto, and recommend the passage of the bill as amended.

WELTY,
Chairman.

FURTHER INTRODUCTION OF BILLS.

By Mr. Malarin, An Act concerning Taxes in the County of Monterey.

Read first and second times and referred to the Committee on Ways and Means.

Also, An Act to amend "An Act, passed April twenty-first, one thousand eight hundred and fifty-six, concerning Hogs running at large in certain Counties."

Read first and second times and referred to the Committee on Agriculture.

By Mr. King, An Act to allow the Claim of Daniel McLaren.

Read first and second times and referred to the Committee on Claims.

By Mr. Bailey of Tuolumne, An Act to abolish the office of Quartermaster-General.

Read first and second times and referred to the Judiciary Committee.

At two o'clock, P. M., on motion of Mr. Lamar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 12th, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

A quorum present.

The Journal of Saturday last was read and approved.

Leave of absence was given as follows: Messrs. Tilton, Rogers of San Francisco, Phelps, Crowell, Hugg, and Heston, for one day each.

GENERAL FILE.

Assembly Bill, No. 68, An Act concerning the Organization of the Militia—made the special order for Friday, March sixteenth, at half-past one, P. M.

Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of Ores and Metals and to define his Duties—read third time and passed.

Senate Bill, No. 9, An Act to afford Protection to Immigrants to California—amended, read third time and passed.

Substitute for Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matter"—committee amendments adopted, further amended, and ordered engrossed.

Assembly Bill, No. 216, An Act amendatory of "An Act to amend an Act entitled 'An Act concerning the Office of Secretary of State,'" passed May fourth, one thousand eight hundred and fifty-four, passed March twenty-sixth, one thousand eight hundred and fifty-nine—ordered engrossed.

Assembly Bill, No. 194, An Act to authorize and require the Board of Supervisors of Sierra County to audit and allow the Claim of Moses Haynes, for Services rendered in arresting a Fugitive from Justice—rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 124, An Act to provide for the Correct Report and Publication of the Decisions of the Supreme Court.

Mr. Conness moved to amend by striking out from the fourth and fifth lines of the first section the words "as he may be directed to report by the Court." Also, strike out from the fourteenth and fifteenth lines of said section the words "subject to the supervision and correction of said Justices."

Mr. Smith of Sutter moved the previous question.

Lost.

On the adoption of the first amendment, Messrs. Williams, Conness,

and Smith of Sutter, demanded the ayes and noes, and the amendment was lost by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Gallagher, Hawley, Hayes, Howe, Jenkins, Lovell, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Shannon, Stone, Swan, Theller, Watson, and Wilkins—21.

Noes—Messrs. Burson, Conn, Covarrubias, Curtis, Dunlap, Ellis, Fairchild, Gwinn, Haliday, Halsted, Hammond, Harville, Johnson of Sierra, King, Kungle, Lamar, Lambert, Lawrence, Lewis, Maxson, O Rear, Pate, Schmidt, Shattuck, Smith of Sutter, Stevenson, Warner, Welty, White, Williams, Wilson, Yancey, and Mr. Speaker—33.

On the adoption of the second amendment, Messrs. Williams, Conn, and Curtis, demanded the ayes and noes, and it was lost by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Daggett, Gallagher, Hawley, Hayes, Henry, Howe, Jenkins, Lewis, Lovell, McDermit, Patten, Rodgers of Tuolumne, Shannon, Stone Swan, Watson, and Wilkins—21.

Noes—Messrs. Burson, Conn, Covarrubias, Curtis, Dunlap, Ellis, Fairchild, Gwinn, Haliday, Halsted, Hammond, Harville, Johnson of Sierra, King, Kungle, Lamar, Lambert, Lawrence, Malarin, Maxson, O'Connor, O'Rear, Pate, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Theller, Warner, Welty, White, Williams, Wilson, Yancey, and Mr. Speaker—36.

Mr. Conness moved a call of the House.

Upon which, Messrs. Conness, Shannon, and Smith of Sutter, demanded the ayes and noes, and the call was sustained by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Conness, Daggett, Fairchild, Gallagher, Halsted, Hawley, Hayes, Henry, Jenkins, Johnson of Amador, Lamar, Lawrence, Lewis, Maxson, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Stevenson, Stone, Swan, Walden, Warner, and Watson—30.

Noes—Messrs. Bowman, Burson, Conn, Covarrubias, Curtis, Dunlap, Gwinn, Haliday, Hammond, Harville, Howe, Johnson of Sierra, King, Kungle, Lambert, Lovell, Malarin, O'Rear, Pate, Smith of Sutter, Starr, Theller, Welty, White, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—29.

On calling the roll the following members were absent:

Messrs. Babcock, Campbell, Coombs, Groom, and Makins.

Mr. Babcock was excused, and further proceedings under the call were dispensed with.

Mr. Lamar moved to strike out the word "such" in the third line of the first section.

Upon which, Messrs. Williams, Howe, and Lamar, demanded the ayes and noes, and the amendment was lost by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Daggett, Fairchild, Gallagher, Hammond, Hawley, Hayes, Henry, Howe,

Jenkins, Lamar, Lewis, Makins, Maxson, O'Connor, Rodgers of Tuolumne, Schmidt, Shannon, Stone, Warner, Watson, and Wilkins—26.

Noes—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Curtis, Dunlap, Ellis, Haliday, Harville, Johnson of Sierra, Lambert, Lawrence, Malarin, O'Rear, Pate, Patten, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Theller, Walden, Welty, Williams, Wilson, Yancey, and Mr. Speaker—28.

Mr. Conness moved to strike out the words "of the Reporter."

Mr. Hayes moved the previous question.

Upon which, Messrs. Conness, Wilkins, and Smith of Sutter, demanded the ayes and noes, and the previous question was sustained by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bowman, Burson, Covarrubias, Curtis, Dunlap, Ellis, Haliday, Hammond, Harville, Hayes, Henry, Howe, Johnson of Sierra, King, Lambert, Makins, O'Rear, Pate, Patten, Shattuck, Smith of Sutter, Stevenson, Theller, Walden, Warner, Wilson, Williams, Yancey, and Mr. Speaker—31.

Noes—Messrs. Bailey of Tuolumne, Bell, Conness, Daggett, Fairchild, Gallagher, Hawley, Jenkins, Lamar, Lawrence, Lewis, Lovell, Maxson, O'Connor, Rodgers of Tuolumne, Schmidt, Shannon, Starr, Stone, Swan, Watson, Welty, and Wilkins—23.

And the amendment was lost.

On the passage of the bill, Messrs. Conness, Howe, and Jenkins, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bowman, Burson, Conn, Covarrubias, Curtis, Dunlap, Ellis, Gwinn, Haliday, Hammond, Harville, Johnson of Sierra, King, Lambert, Lawrence, Malarin, O'Rear, Pate, Shattuck, Smith of Sutter, Starr, Stevenson, Theller, Walden, Warner, Welty, White, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—34.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Daggett, Fairchild, Gallagher, Hawley, Hayes, Henry, Howe, Jenkins, Lamar, Lewis, Lovell, Makins, Maxson, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Schmidt, Shannon, Stone, Swan, and Watson—26.

Mr. Wilkins gave notice of reconsideration.

Mr. Howe gave notice of reconsideration of the vote by which the House this day passed Senate Bill, No. 114.

PETITIONS.

Petitions were presented as follows:

By Messrs. Gallagher and Theller, Asking appropriations for Sisters of Mercy.

Referred to select committee.

REPORTS.

Reports were made as follows:

By Mr. Howe:

Mr. Speaker:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 280, An Act to amend an Act

entitled "An Act concerning the Office of Surveyor-General," have had the same under consideration, and report the bill back, and recommend its passage.

ROBERT HOWE,
Chairman.

By Mr Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation have considered Senate Bill, No. 122, An Act authorizing certain parties to construct a Wharf on Petaluma Creek in Sonoma County, and report the same back, recommending its passage.

HENRY,
Chairman.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 162, An Act to regulate Pawnbrokers in this State and to define their Liabilities;

Also, Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California.

BEACH,
Chairman.

By Mr. Fairchild:

Mr. SPEAKER:—Your Committee on Public Morals, to whom was referred Assembly Bill, No. 231, entitled An Act appropriating Moneys for the benefit of the Home for the care of the Inebriate in the City and County of San Francisco, having carefully considered the same, and believing the institution one worthy of legislative aid, report the bill back, and recommend its passage.

FAIRCHILD,
Chairman.

By Mr. Bell:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 169, An Act to authorize the construction of Wagon Roads over Mountains within the State of California by Joint Stock Companies, have considered the same, and now report the bill back, recommending the indefinite postponement of the bill.

JOHN C. BELL,
P. A. GALLAGHER,
JAS. M. MAKINS,
LAMBERT.

By Mr. Williams:

Mr. SPEAKER:—Your committee, to whom was referred Senate Bill, No. 89, An Act to create the Office of State Geologist and define the Duties thereof, have considered the same and report the bill back with

an amendment to all after the enacting clause, and recommend the passage of the bill as amended.

J. M. WILLIAMS,
JOHN CONNESS,
J. W. HARVILLE,
WM. A. CONN,
T. B. SHANNON.

By Mr. Smith of Sutter:

Mr. SPEAKER:—The Committee on the Change of Names, have had under consideration the following bills:

Assembly Bills, Nos. 239, 245, 248, 279, and 296, report the same back, and beg leave to recommend the following substitute.

SMITH of Sutter,
Chairman.
THOS. J. HALIDAY,
BEN. O'REAR,
W. H. STONE,
D. C. PATTEN.

By Mr. Bailey of Tuolumne:

Mr. SPEAKER:—The Tuolumne Delegation to whom was referred Assembly Bill, No. 283, entitled An Act to authorize the Board of Trustees of the City of Sonora, to Levy a Special Tax for the benefit of the Fire Department of said City, have had the same under consideration and beg leave to report the bill back with an amendment, and recommend its passage as amended.

BAILEY of Tuolumne.

By Mr. King:

Mr. SPEAKER:—The delegations from the counties of Los Angeles and San Diego, to whom was referred Assembly Bill, No. 257, report the bill back and recommend its passage.

Your committee are of the opinion that the proposed changes in the rates of fees in those counties are right and proper. A very considerable portion of their population, speak only the Spanish Language, which throws onerous and burdensome duties of a peculiar kind upon the County Clerk, as *ex officio* Clerk of the different Courts—County Recorder, etc.

It is necessary that much of the proceedings of the various courts of said counties be conducted in the Spanish Language. It will be readily perceived, then, that in addition to the fact, that the County Clerks of said counties, are *ex officio* County Recorders, County Auditors, Clerks of the various courts, Clerk of the Board of Supervisors; and in Los Angeles County, Superintendent of Common Schools, their duties are of an onerous and burdensome nature, and not sufficiently compensated by the present rate of fees.

Besides, your committee would particularly call your attention to the fact, that the passage of the act is prayed for by those best acquainted with the wants and wishes of the people, and the nature of the labors performed by the County Clerk.

The five Supervisors of the county of Los Angeles, Messrs. Able Stearns, A. F. Coronee, C. Aguilar, R. B. Moore, and G. Allen, who control the affairs of the county; the Bar practicing in the courts of that county, and General Pico, Senator from the First Senatorial District, all concur in asking the passage of the bill.

And so far as the majority of the Delegation are aware, there is no opposition to it, except from Colonel Warner, member from Los Angeles.

If the general wishes of those to be affected by the act, and the recommendation of the entire delegation from those counties, with the exception above referred to, go for aught in this Assembly, the bill will pass.

R. W. GROOM,
A. J. KING.

Mr. Warner verbally reported and recommended the passage of Assembly Bill, No. 300, An Act to reincorporate the City of Los Angeles—rules suspended, considered engrossed, read third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Monday, March 12th, 1860.

Mr. SPEAKER:—The Senate on Saturday, passed Senate Bill, No. 201, An Act to fix the Compensation of the Auditor of Napa County;

Also, Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 201, above reported, read first and second times, and referred to the Napa Delegation.

SENATE CHAMBER,
Saturday, March 10th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences;"

Also, Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara, with amendments;

Also, Assembly Bill, No. 129, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April twenty-ninth, one thousand eight hundred and fifty-six, so far as it relates to the Counties of Trinity and Butte, with amendments.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 134, above reported, read first and second times and referred to Committee on Agriculture.

The House concurred in Senate amendments to Assembly Bills, Nos. 83 and 129, above reported.

SENATE CHAMBER,
Monday, March 12, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Concurrent Resolution, No. 38, Relative to taking the Census;

Also, Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved

March twenty-ninth, one thousand eight hundred and fifty-nine, with amendments;

Also, Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his associates and assigns, to build a Wharf at or near Point Colberg, in Solano County.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 182, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

The House refused to concur in Senate amendments to Assembly Bill, No. 52, above reported.

RESOLUTION.

Mr. King offered the following resolution:

Whereas, The Hon. J. J. Warner has in his possession Assembly Bill, No. 257, entitled An Act to regulate the Fees of the County Clerks of the Counties of Los Angeles and San Diego, and refuses to deliver the same to the committee, thereby delaying the action of the committee to whom the same was referred, unless compelled by this House. Therefore, be it

Resolved, That Mr. Warner be compelled to deliver the same to this House forthwith.

For which, Mr. Bailey of Tuolumne offered the following substitute:

Resolved, That the delegations from Los Angeles and San Diego counties be requested to report to this House forthwith Assembly Bill, No. 257, entitled An Act to regulate the Fees of the County Clerks of the Counties of Los Angeles and San Diego.

Mr. Shannon moved to lay the whole subject matter on the table.

Carried.

Mr. Curtis offered a Concurrent Resolution, Relative to Mail Route.

Adopted.

Mr. Patten gave notice of the introduction of a bill for An Act to change the manner of collecting Foreign Miners' License Tax in El Dorado County.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Howe:

Resolved, That the Senate be respectfully requested to return to the Assembly, Senate Bill, No. 114, An Act to create a State Assayer of Ores and Metals, a notice of reconsideration having been given since the same was taken from this House.

Adopted.

By Mr. Lamar:

Resolved, That hereafter no bill shall be reported from this House, after its passage, until the day after its passage, unless by a motion sustained by a two-third vote of the House.

Adopted.

By Mr. Beach:

Resolved, That the Engrossing Clerk of the Assembly be authorized to appoint an Assistant, at a salary of eight dollars per day, payable out of the Contingent Fund of the Assembly.

Adopted.

SECOND READING OF BILLS.

Senate Bill, No. 108, An Act amendatory of, and supplemental to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-first, one thousand eight hundred and fifty-six—read second time and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 270, An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara and Sonoma, and to regulate the times of settlement by them with the Controller and Treasurer of State—read second time and referred to the Committee on Ways and Means.

Senate Bill, No. 107, An Act appropriating Moneys for the benefit of the Ladies' Seamen's Friend Society of San Francisco—read second time and referred to the Committee on Ways and Means.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lamar, An Act for the payment of Expenses incurred in the suppression of Indian Hostilities in the County of Mendocino of this State.

Read first time.

By Mr. Welty, An Act to provide for Writs of Assistance.

Read first and second times and referred to the Judiciary Committee.

Also, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government," approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times, referred to the Committee on Ways and Means, and ordered printed.

By Mr. Walden, An Act to define and establish the Boundary Line of Stanislaus County.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Hammond An Act to regulate the Salary of the County Judge of Mariposa County.

Read first and second times and referred to the Mariposa Delegation.

By Mr. Gwinn, An Act to define the Boundaries and provide for the Organization of Lake County.

Read first and second times and referred to the Committee on Counties and County Boundaries.

At half past three o'clock, P. M., on motion of Mr. Hayes, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 13th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Shelton had five days leave of absence, and Mr. Groom indefinite leave.

GENERAL FILE.

Assembly Bill, No. 263, An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one—rules suspended, considered engrossed, read third time and passed.

Mr. Wilkins moved to reconsider the vote by which the House on yesterday passed Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court.

On reconsidering Messrs. Shannon, Rodgers of Tuolumne, and Burson, demanded the ayes and noes, and it was reconsidered by the following vote:

AYES—Messrs. Beach, Bell, Conness, Coombs, Daggett, Ellis, Fairchild, Gallagher, Halsted, Hammond, Harville, Hawley, Hayes, Heston, Howe, Kungle, Lamar, Lewis, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Stone, Swan, Theller, Tilton, Watson, and Wilkins—34.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Conn, Covarrubias, Crowell, Curtis, Dunlap, Goodman, Haliday, Henry, Hugg, Jenkins, Johnson of Sierra, Lambert, Lawrence, Malarin, Pate, Phelps, Rogers of San Francisco, Smith of Sutter, Starr, Stevenson, Warner, Welty, White, Williams, Wilson, Yancey, and Mr. Speaker—31.

Mr. Wilkins offered the following amendment:

After the word "Justices," in the fifteenth line, section one, add, "And each of said Justices shall be furnished with proof sheets of each volume at least one month before the publication thereof, for the purpose of correcting typographical and clerical errors therein, and for no other corrections, and the said proof sheets, so corrected, shall be returned by them, so corrected, within a month after their receipt"—

Upon which Messrs. Williams, Conness, and Fairchild, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Coombs, Daggett, Fairchild, Gallagher, Halsted, Hammond, Hawley, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Kungle, Lamar Lewis, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Stone, Swan, Theller, Tilton, Walden, Watson, and Wilkins—37.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Conn, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Goodman, Gwinn, Haliday,

Harville, Johnson of Sierra, Lambert, Lawrence, Makins, Malarin, Pate, Phelps, Rogers of San Francisco, Smith of Sutter, Stevenson, Warner, Welty, White, Williams, Wilson, Yancey, and Mr. Speaker—31.

Mr. Lamar moved to indefinitely postpone the bill.

Upon which Messrs. Conness, Williams, and Smith of Sutter, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Coombs, Daggett, Fairchild, Gallagher, Halsted, Hawley, Hayes, Heston, Howe, Kungle, Lamar, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Shannon, Stone, Tilton, Watson, and Wilkins—27.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Conn, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Goodman, Gwinn, Haliday, Hammond, Harville, Henry, Hugg, Jenkins, Johnson of Sierra, King, Lambert, Lawrence, Lewis, Lovell, Malarin, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Theller, Walden, Warner, Welty, White, Williams, Wilson, Yancey and Mr. Speaker—44.

Mr. Wilkins offered the following amendment:

At the last word in section one, add: "*provided*, that such Opinions and Decisions as the Judges shall deem unnecessary to report, shall be so indorsed by the Justice delivering them, before the filing thereof, in the Clerks Office of said court."

Mr. Stevenson moved the previous question, which was sustained.

On the adoption of the amendment, Messrs. Williams, Conn, and Curtis, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Burson, Conness, Coombs, Daggett, Ellis, Fairchild, Gallagher, Halsted, Harville, Hawley, Hayes, Henry, Heston, Howe, King, Kungle, Lamar, Lambert, Lewis, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Theller, Tilton, Watson, Wilkins, Williams, and Mr. Speaker—44.

Noes—Messrs. Babcock, Bailey of Tuolumne, Bowman, Conn, Covarrubias, Crowell, Curtis, Dunlap, Goodman, Haliday, Hammond, Hugg, Jenkins, Johnson of Sierra, Lawrence, Malarin, Pate, Phelps, Smith of Sutter, Walden, Warner, Welty, White, Wilson, and Yancey—24.

On the passage of the bill, Messrs. Shannon, Theller, and Rogers of San Francisco, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Conn, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Goodman, Hammond, Harville, Henry, Heston, Hugg, Jenkins, Johnson of Sierra, Lambert, Lawrence, Lewis, Lovell, Malarin, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Sutter, Starr, Stevenson, Theller, Walden, Warner, Welty, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—42.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Coombs, Daggett, Fairchild, Gallagher, Haliday, Halsted, Hawley, Hayes, Howe,

Kungle, Lamar, Makins, Maxson, O'Rear, Patten, Schmidt, Shannon, Stone, Swan, Tilton, and White—25.

Mr. Howe moved to reconsider the vote by which the House on yesterday passed Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties.

Upon which, Messrs. Bailey of Tuolumne, Howe, and Yancey, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Conness, Coombs, Haliday, Hawley, Hayes, Howe, Hugg, Kungle, Lewis, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Shattuck, Starr, Stone, Watson, and Mr. Speaker—26.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Henry, Heston, Jenkins, Johnson of Sierra, Lamar, Lambert, Lawrence, Makins, Pate, Phelps, Schmidt, Smith of Sutter, Stevenson, Swan, Theller, Warner, Welty, Wescott, Wilkins, Williams, Wilson, and Yancey—37.

Assembly Bill, No. 46, An Act concerning Estrays, read third time.

Mr. Hugg moved a call of the House, which was sustained.

The following members were absent, viz: Messrs. Bell, Curtis, Daggett, Henry, Johnson of Amador, King, Lamar, Lawrence, Makins, Patten, Smith of Sutter, Swan, Walden, Watson, and Wilkins.

On motion of Mr. Shannon, further proceedings under the call were dispensed with.

Mr. Goodman moved to recommit the bill with special instructions to insert the words "Householder, or Freeholder," wherever it may be found in the bill.

Amendment withdrawn.

On the passage of the bill, Messrs. Gwinn, Beach, and Crowell, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Burson, Conn, Conness, Coombs, Covarrubias, Crowell, Dunlap, Ellis, Goodman, Haliday, Halsted, Harville, Hawley, Hayes, Heston, Hugg, Johnson of Sierra, Lambert, McDermit, O'Rear, Pate, Rogers of San Francisco, Schmidt, Shannon, Shattuck, Starr, Stone, Swan, Theller, Tilton, Warner, Welty, White, Wilkins, Williams, Wilson, and Mr. Speaker—39.

Noes—Messrs. Beach, Bowman, Fairchild, Gwinn, Hammond, Henry, Howe, Jenkins, Lamar, Lewis, Lovell, Makins, Maxson, O'Connor, Patten, Rodgers of Tuolumne, Stevenson, Wescott, and Yancey—19.

SPECIAL ORDER.

Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State.

The special order of the day was taken up, considered in Committee of the Whole, reported with amendments, and its passage recommended—amendments adopted, further amended, and ordered engrossed;

Also, Assembly Bill, No. 292, An Act to change the time of holding the Terms of the District Court, within the Third Judicial District, was taken up.

Mr. Williams offered a substitute, which was adopted—the rules suspended, considered engrossed, read third time and passed,

Mr. Conness gave notice of an amendment to the first Standing Rule of the House.

On motion of Mr. Shannon, at four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 14, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Messrs. Yager and Smith of Nevada had one day leave each.

GENERAL FILE.

Assembly Bill, No. 209, An Act to provide for the improvement of the Navigation of the San Joaquin River—amended and ordered engrossed.

Joint Resolution No. 50, Relative to Fraudulent Land Grants—ordered engrossed.

Assembly Bill, No. 197, An Act to authorize the Board of Supervisors of City and County of San Francisco to convey certain Property of the State of California, and to make and issue certain Bonds—placed at foot of file.

The House refused to pass Senate Bill, No. 32, An Act to exempt from Taxation certain Property of the Masonic Hall Association.

Mr. Howe gave notice of reconsideration.

Assembly Joint Resolution, No. 52, Relative to Cession of certain Territory to the State of California by the Federal Government—ordered engrossed.

Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April fifteenth, one thousand eight hundred and fifty-one;

And Senate Bill, No. 126, An Act to amend an Act entitled "An Act concerning the office of Public Administrator and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-four—

Read third time and passed.

Assembly Bill, No. 241, An Act to further amend "An Act relating to Marriages," passed April twenty-second, one thousand eight hundred and fifty.

Mr. Conness moved to strike out the enacting clause.

Upon which Messrs. White, Hugg, and Laspeyre, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Campbell, Conness, Covarrubias, Daggett, Dunlap, Fairchild, Gallagher, Gwinn, Halsted, Hammond, Hayes, Henry, Heston, Hundley, Lambert, Malarin, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco,

Shannon, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Walden, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—39.

Noes—Messrs. Bell, Coombs, Crowell, Ellis, Goodman, Haliday, Harville, Hawley, Howe, Hugg, Jenkins, King, Kungle, Lamar, Laspeyre, Lawrence, Lewis, Lovell, Makins, McDermit, O'Connor, Rodgers of Tuolumne, Swan, Warner, Watson, Welty, Wescott, and White—28.

Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow and authorize the Auditor to audit a Claim of Thomas C. Faris—rules suspended, considered engrossed, read third time, and passed.

Senate Bill, No. 132, An Act defining the number of Justices of the Peace in the City and Township of Placerville, in El Dorado County—read third time and passed.

The House refused to engross Assembly Bill, No. 38, An Act to provide for taking Delivery Bonds in cases wherein Personal Property has been levied on by virtue of Writs of Attachment and Execution.

REPORTS.

Reports were made as follows:

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment, have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 232, An Act to regulate Fees of Office in Mariposa County;

Also, Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act, approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills and other matters";

Also, Assembly Bill, No. 194, An Act to authorize and require the Board of Supervisors of Sierra County to audit and allow the Claims of Moses Haynes, for Services rendered in arresting a Fugitive from Justice;

Also, Assembly Bill, No. 216, An Act amendatory of "An Act to amend an Act entitled 'An Act concerning the Office of Secretary of State,'" passed May fourth, one thousand eight hundred and fifty-four, passed March twenty-sixth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 292, An Act to change the time of holding the Terms of the District Court within the Third Judicial District;

Also, Assembly Bill, No. 85, An Act to provide for the disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School Purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund.

BEACH,
Chairman.

By Mr. Theller:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 211, entitled An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes;

Also, Assembly Bill, No. 163, entitled An Act to confer further powers upon the Board of Education and the Auditor and Treasurer of the City and County of San Francisco.

S. L. THELLER,
Chairman.

By B. M. Henry:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 142, An Act authorizing Robert Haley and John G. Oldner to construct a Wharf at the foot of Third Street, in the City and County of San Francisco, report the same back, with amendments, and recommend its passage as amended.

We have also considered Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his associates and assigns, to build a Wharf at or near Point Colberg, in Solano County, and recommend its passage;

Also, Assembly Bill, No. 205, An Act amendatory of, and supplemental to, "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof, report the same back, with amendments, and recommend its passage as amended.

HENRY,
Chairman.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly up to March thirteenth, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal and Appendix	459	15 cts.	$68 85
For Printer, etc	2,709	10	270 90
Total	3,168		$339 75

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant in favor of the Chief Clerk, J. M. Anderson, for the sum of three hundred and thirty-nine dollars and seventy-five cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Assembly Bill, No. 75, An Act to provide for the better observance of the first day of the week, known as the Christian Sabbath—

On the adoption of the substitute, Messrs. Conness, Goodman, and Crowell, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Bowman, Campbell, Conn, Dunlap, Goodman, Halsted, Hammond, Hawley, Jenkins, Laspeyre, Lewis, Lovell, Patten, Rogers of

San Francisco, Shannon, Shattuck, Smith of Sutter, Stevenson, Stone, Tilton, Warner, Watson, Welty, Wescott, White, Williams and Mr. Speaker —27.

Noes—Messrs Babcock, Bailey of Santa Clara, Bell, Conness, Coombs, Covarrubias, Curtis, Daggett, Ellis, Gallagher, Gwinn, Haliday, Harville, Hayes, Heston, Howe, Hugg, Hundley, Johnson of Sierra, King, Kungle, Lamar, Lambert, Makins, Malarin, Moxson, McDermit, O'Connor, O'Rear, Pate, Phelps, Rodgers of Tuolumne, Schmidt, Starr, Swan, Theller, Walden, Wilkins, Wilson, and Yancey—40.

Mr. Conness moved to suspend the rules for the purpose of reconsidering the vote by which the House refused to adopt the substitute.

Upon which, Messrs. Conness, Wescott, and Crowell, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Bell, Bowman, Campbell, Conn, Conness, Coombs, Crowell, Curtis, Dunlap, Fairchild, Goodman, Halsted, Hammond, Harville, Hawley, Henry, Hugg, Hundley, Jenkins, Laspeyre, Lewis, Lovell, Malarin, Patten, Rogers of San Francisco, Shannon, Shattuck, Stevenson, Stone, Swan, Theller, Tilton, Warner, Watson, Welty, Wescott, White, Williams, Wilson, Yancey, and Mr. Speaker—41.

Noes—Messrs. Babcock, Bailey of Santa Clara, Covarrubias, Daggett, Ellis, Gallagher, Gwinn, Haliday, Hayes, Howe, Johnson of Sierra, Kungle, Lamar, Maxins, Maxon, McDermit, O'Connor, Pate, Rodgers of Tuolumne, Schmidt, Starr, Walden, and Wilkins—23.

Mr. Makins offered a substitute for the bill.

Mr. Hayes moved to indefinitely postpone the whole subject matter.

Upon which, Messrs. Conness, Shannon, and Wescott, demanded the ayes and noes, and the bill and substitute were indefinitely postponed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bell, Burson, Covarrubias, Daggett, Gwinn, Haliday, Hayes, Henry, Howe, Hundley, Johnson of Sierra, Kungle, Lamar, Lambert, Lawrence, Lewis, Makins, Malarin, Maxson, O'Rear, Pate, Phelps, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Theller, Walden, Wilkins, Wilson, and Yancey—34.

Noes—Messrs. Bowman, Campbell, Conn, Conness, Crowell, Curtis, Dunlap, Ellis, Fairchild, Gallagher, Halsted, Hammond, Harville, Hawley, Hugg, Jenkins, Laspeyre, Lovell, O'Connor, Patten, Rogers of San Francisco, Smith of Sutter, Starr, Stevenson, Stone, Swan, Tilton, Warner, Watson, Welty, Wescott, Williams, and Mr. Speaker—32.

PETITIONS.

Petitions were presented as follows:

By Mr. Hugg, Of citizens of Marysville, for donation to Sisters of Mercy.

Referred to Special Committee.

By Mr. Patten, Of F. Coombs, for relief.

Referred to Committee on Public Morals.

By Mr. Fairchild, Of citizens of El Dorado County, for division of County.

Referred to El Dorado Delegation.

Reports were made as follows:

By Mr. Babcock:

Mr. SPEAKER:—Your Committe on Claims, to whom was referred the bill for the payment of a certain claim of two thousand dollars, held by B. F. Hastings, on account of arms and transportation furnished the State, respectfully report, that they have had the vouchers accompanying the same under careful consideration, and find the following state of facts to exist:

During the civil insurrection which occurred at San Francisco in one thousand eight hundred and fifty-six, Honorable D. S. Terry, acting under instructions received from the Chief Executive of the State, obtained, for the use of the State, from Joseph C. Palmer, the sum of two thousand dollars, which he certifies was expended by him in the purchase and transportation of arms.

The committee were desirous of possessing themselves of as many of the facts in the premises as possible, and with that view, its Chairman addressed a vote to Judge Terry, inquiring how much of the said amount of two thousand dollars was expended for arms, and how much for transportation. In reply, the honorable gentleman states, that owing to the great length of time which has elapsed since the disbursements were made, he is unable to furnish specific information. He communicates such general facts, however, as to leave no doubt upon the minds of your committee that the said amount was received in the manner alleged by his certificate, and honorably expended in carrying out the objects and designs of the Governor, from whom he derived his appointment. The claim, in addition to the certificate of Judge Terry, is also accompanied by a voucher from W. C. Kibbe, Quartermaster-General of the State, who certifies that the arms alluded to by "Judge D. S. Terry, are now in possession of the State, and that they were used in the two last campaigns against the hostile Indians."

Your committee also find, that this claim was allowed and indorsed by the Board of Military Auditors of the State, October fourteenth, one thousand eight hundred and fifty-sexen, and on the same day it was also affirmed and allowed as correct by the State Board of Examiners.

Your committee, therefore, respectfully report back a substitute for Assembly Bill, No. 187, and recommend its passage.

E. A. STEVENSON,
Chairman.

Also,—

Mr. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Peter H. Burnett, have had the same under consideration, and find a legal question involved, upon which the claim principally depends, and have directed me to report the same back, and recommend that it be referred to the Judiciary Committee.

Also, Senate Bill, No. 169, have had the same under consideration, and respectfully report the same back, and recommend its passage.

E. A. STEVENSON,
T. F. JENKINS,
A. H. HAWLEY,
WM. A. CONN,
J. BABCOCK.

By Mr. Lamar:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 45, entitled An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of this State,'" approved April twenty-ninth, one thousand eight hundred and fifty-nine, appproved February twenty-seventh, one thousand eight hundred and fifty-eight, have carefully examined the same, and recommend its passage as amended.

LAMAR,
Chairman.

Also, By Mr. Lamar:

Mr. SPEAKER:—Your committee, to whom was referred Senate Bill, No. 193, entitled An Act to authorize the Collection of certain Taxes within this State, have carefully considered the same, and recommend its passage.

LAMAR,
Chairman.

Also, By Mr. Lamar:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 281, entitled An Act supplemental to an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven, have had the same under consideration, and recommend its passage.

LAMAR,
Chairman.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 179, An Act supplementary to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second one thousand eight hundred and fifty-eight, report the same back, amended, and recommend its passage as amended;

Also, Assembly Bill, No. 308, An Act to provide for Writs of Assistance, report it back, and recommend that it do not pass;

Also, Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced and define their Duties, report the same back, amended, and recommend its passage as amended.

WILLIAMS,
Chairman.

By Mr. Babcock:

Mr. SPEAKER:—Your committee have had under consideration Assembly Bill, No. 208, entitled An Act authorizing Gabriel Allen and others to construct a Turnpike Road from the Ex-Mission of San Fernando across the San Fernando Mountain to the Arroyo de Santa Clara in Los Angeles County, and beg leave to report it back as amended, and recommend its passage.

Your committee have had before them an order under seal, from the Clerk of the Board of Supervisors of Los Angeles County, requesting the passage of the bill which is hereunto annexed to, and made a part of this report.

J. B. BABCOCK,
A. J. KING,
T. M. HESTON.

STATE OF CALIFORNIA, } ss.
County of Los Angeles. }

I, John W. Shore, County Clerk of the County Court of Los Angeles County, and *ex officio* Clerk of the Board of Supervisors of said county, do hereby certify that the following is a full, true, and correct copy, of a resolution of said Board of Supervisors, in the words following, to-wit:

"*Resolved*, That our Representatives in the Legislature of this State be requested to urge the passage of an Act authorizing J. S. Griffin, Gabriel Allen, J. B. Winston, and J. C. Welsh, to construct a Turnpike Road from the Mission of San Fernando, passing over the San Fernando Mountain, to the Santa Clara River."

Unanimously passed by said Board of Supervisors this fourteenth day of February, A. D., one thousand eight hundred and sixty.

Witness my hand and the seal of said County Court, the date above written.

JOHN W. SHORE,
County Clerk.

Also,—

The Committee on Internal Improvements, to whom was referred Assembly Bill, No. 192, beg leave to report the same back with accompanying substitute, and recommend the adoption of the substitute.

J. BABCOCK,
A. J. KING,
TOM. HESTON.

By Mr. Warner:

Mr. SPEAKER:—Your committee to whom was referred Assembly Bill, No. 297, entitled An Act to amend "An Act concerning Hogs running at large in certain Counties," approved April twenty-first, one thousand eight hundred and fifty-six, have had the same under consideration, and report the same back, recommending its passage, with an additional section, as section second;

Also, Senate Bill, No. 134, An Act amendatory of, and supplementary to, "An Act concerning Lawful Fences," have considered the same, and report the same back, with a recommendation by the majority of the committee that the same do pass.

J. J. WARNER,
Chairman of Committee on Agriculture.

By Mr. Welty:

Mr. SPEAKER:—The Committee on Public Buildings and Grounds, have had under consideration Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento, have had the same under consideration, and have proposed certain amendments thereto, and report the bill back to the House, and recommend its passage as amended.

D. W. WELTY,
Chairman.
WESCOTT,
SAMUEL LEWIS.

By Mr. Shattuck:

Mr. SPEAKER:—The minority of the committee to whom was referred Assembly Bill, No. 224, An Act to provide for the Construction of a State

Capitol in the City of Sacramento, have had the same under consideration, and submit the accompanying substitute, and make the following report:

First—That the title of the land donated to the State for the location of the Capitol is imperfect.

Second—The land donated is insufficient in extent for all the necessary buildings for this purpose.

Third—That the financial condition of the State is such that it would not warrant the appropriation set forth in the bill, and that a great diversity of opinion exists in all portions of the State as to the proper place to locate the State Capital. The subject has been constantly agitated by all the Legislatures that have assembled since the organization of the State Government, without any result. For these reasons they submit that the capital should not be located in the manner provided in the said bill, but that the question should be submitted to the people at the ballot-box at the next general election, and that the place designated at that time should be considered as the permanent location of the State Capital, and recommend the passage of the substitute.

F. K. SHATTUCK.

By Mr. Wilkins:

Mr. SPEAKER:—The Committee on Federal Relations, to whom was referred An Act entitled "An Act in relation to Indians," have had the same under consideration, and report the act back, with a recommendation that its provisions be considered by the House, and that the same be made the special order for an early day.

WILKINS,
Chairman.

By Mr. Ellis:

Mr. SPEAKER:—The Committee on State Hospitals, to whom was referred Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries, etc., having considered and amended the same, report the bill back to the House, and recommend its passage as amended.

R. B. ELLIS,
J. W. HARVILLE,
A. J. KING,
WESCOTT.

By Mr. Gwinn:

Mr. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 100, An Act to provide for the Reclamation of certain Lands therein named, have had the same under consideration, and beg leave to submit the following report:

We find that the State has sold all of the swamp lands within the boundaries mentioned in the bill that can by any possibility be reclaimed in individual tracts, leaving now in the possession of the State only those lands known as "Deep Tule." These lands are yearly inundated to the depth of from three to ten feet from the month of December, or January, until from August to September. They produce no vegetation of any kind, save tule, and for every possible purpose are more than useless. The existence of this vast body of water—it being from two to three miles in width—imposes a very heavy and constant burden upon all people living to the westward thereof in the way of tolls across the same, the consequence of which is to make, to a very great extent, farming un-

profitable even upon the high lands beyond. The tule is filled with water from two large streams, each one of which is nearly, or quite, as as large as the Yuba River, to wit., Puta River and Cache Creek. These streams empty their waters into this tule, which has no outlet, in consequence of which it remains there until it is absorbed by the earth, or has evaporated. The land can only be reclaimed by some general work, which shall furnish a channel for this water, emptying it into the head of Suisun Bay, which can only be done by the expenditure of large sums of money, and which, when accomplished, will reclaim not only the lands proposed to be ceded by this bill, but also those already sold. These lands, which are now of no possible use or benefit either to the State or individuals, may by this system be made vastly productive—so that which is now a waste and a tax upon the people, will become rich and productive farms, furnishing homes for the men of the mountains and the valleys, and immensely adding to the material wealth and annual production of the State. There is no question in the mind of your committee that this plan of reclamation is the only one that can be successfully carried out, and that it must be eventually adopted by this State.

In view of all these facts, and guided by the experience of other States, your committee earnestly recommend the passage of the act after amending it so as to confine the lands granted to the tract described in the act, and also an amendment to section four, which amendment is hereunto submitted.

H. GWINN,
Chairman.

By Mr. Jenkins:

Mr. SPEAKER:—The Mariposa Delegation, to whom was referred Assembly Bill, No. 304, An Act to regulate the Salary of the County Judge of Mariposa County, have had the same under consideration and respectfully beg leave to report the same back with its passage recommended.

TIMOTHY F. JENKINS,
J. B. HAMMOND.

By Mr. Coombs:

Mr. SPEAKER:—Your committe to whom was referred Senate Bill, No. 201, An Act to fix the Compensation of the Auditor of Napa County, report the bill back, without amendment, and recommend its passage.

N. COOMBS.

By Mr. Smith of Sutter:

Mr. SPEAKER:—The committee to whom Senate Bill, No. 95, was referred, having had the same under consideration, report it back with the following amendments, and recommend its passage as amended.

SMITH, of Sutter.

By Mr. Warner:

Mr. SPEAKER:—The Select Committee to which was committed Assembly Bill No. 257, An Act to regulate the fees of the County Clerks of Los Angeles and San Diego Counties, has had the same under consideration and would respectfully submit the following Report:

The bill under consideration proposes to augment the income of an office, subsequent to the election of a person to fill the same and during the term for which he was elected.

The policy of the State, as indicated by various provisions of the Con-

stitution, is adverse to the increase of the emoluments of office during the term of an incumbent. The principle that a citizen upon accepting office, knows the nature and character of the duties to be performed by him as an officer, and that he also knows whether the compensation attached to that office, would justify him in accepting the position, pervades our system of government.

In all cases where the duties of an officer are, in detail, clearly defined by law, and the compensation made known, in a manner so plain that each and every person competent to the discharge of the duties thereof cannot err, no motive can be perceived by your committee that would justify the Legislature in sanctioning an increase of the emoluments.

The value of labor in this State during the last decade, when measured by money, the standard universally adopted, has been annually diminishing.

While there has been some exceptions, still the practice, from the organization of this government to the present time, has been to reduce the salary and pay of officers in the different branches of the government.

The rapid and extraordinary change in the relative value of money and labor which has taken place in California within the past ten years, has no parallel in the world's history. This fact is too palpable to require any proof. The hundreds and thousands of hale and competent men almost famishing for subsistance, who are to be found within the limits of this State seeking in vain for some employment, from the results of which to gain a livelihood, presents a contrast to the years of one thousand eight hundred and forty-nine and one thousand eight hundred and fifty, and those immediately succeeding, too great to pass unnoticed by the most casual observer. From all parts of the State—from the mountains and the plains—from the miner and the farmer—from the mechanic and the trader—we hear the complaint of unrewarded labor.

While thousands are laboring day and night in order to provide a livelihood, with disappointment and distress staring them in the face, the representatives of the people, those whose thoughts and labor are directed to the devising means to lessen the financial difficulties and burdens of the people, are daily beset by importunate and insatiable applicants for special legislation, that will extort from the frugal and prudent citizen, the dimes which his industry has procured, and place them in the hands of the office-holder, to enable him to indulge in pleasure and the gratification of his appetites.

While the people of this State are depressed and borne down—while the value of property is seriously injured in almost every county by the indebtedness and expenditures of the counties—while county and city taxes and licenses are paralizing industry and closing the doors against enterprise, this Assembly is importuned to add more weight to the load of taxation by which the people are oppressed. And for what purpose is this importunity? Solely that the office-holders may live at ease, horde up wealth, or gratify their passions. At this time, when the farmer, by sweat of his brow, and the hardy miner, by his unceasing toil, are barely able, with the most exemplary economy, to balance their accounts of expenditures with the income of their fields and their labors, this Assembly is harrassed by men claiming its aid to maintain and support them in ease and affluence.

Your committee has no disposition to ignore the adage which has received an indorsement of a high character, that "the laborer is worthy of his hire," but while admitting its truthfulness, would not forget that the

laborer has no right to extort an involuntary bounty or additional remuneration from his employers. There are general principles applicable to the subject before your committee. The facts in this particular case, and to which this bill is designed especially to apply, are as follows:

In one thousand eight hundred and fifty-seven, the fees of the office of County Clerk and *ex officio* Clerk of the various offices of the county of Los Angeles, were reduced by law.

Notwithstanding the reduction of the revenues of the office, the then incumbent did not consider the reduction such as to render the office undesirable. At the subsequent general election that year, he was again in the field a candidate for re-election. His anxiety to retain the office was shown by his untiring efforts and unparalleled endeavors to render sure his re-election. His competitor was elected and entered upon the discharge of the duties of the office. During the two years from the election of one thousand eight hundred and fifty-seven to that of one thousand eight hundred and fifty-nine, the duties of the office were performed in a manner that not only escaped the censure of the courts, the county board of officers, the bar, and the people of the county, but received their general approbation. Your committee believe that the members of the bar were, without exception, satisfied with the manner in which all these duties were performed. The business in which your committee was then engaged, was such, that had there been any complaint of inefficiency of those employed in the office, or want of suitable remuneration for the performance of the duties, your committee wolud not have remained in ignorance of the fact. It is also within the personal knowledge of your committee, that for the last half year preceding October, one thousand eight hundred and fifty-nine, the duties of the office of County Clerk and the *ex officio* officers, were performed without complaint from the court, the bar, or the people, by one person, and it is not within the knowledge of your committee that at any time during those two years, the idea was entertained, or any effort made to increase the revenue of the office.

Your committee would respectfully beg leave to call attention to the financial condition of Los Angeles, where the change is proposed to be introduced. In one thousand eight hundred and fifty-three the debt of that county, amounting to upwards of forty thousand dollars, was funded at ten per cent. interest. This debt has not yet been extinguished, and there is an unfunded debt since created, amounting to more than ninety thousand dollars. Auditor's warrants, drawn upon the Treasurer, were, on the first of January, one thousand eight hundred and sixty, worth only forty-five cents on the dollar. The whole amount of the taxable property of the county is but two million two hundred thousand dollars, and, notwithstanding the court-house is little better than a heap of ruins, and the passage in one thousand eight hundred and fifty-nine, of a law authorizing the people to vote for a loan to procure funds to build a court house, such was the financial embarrassment of the county that the people at the last general election voted almost unanimously against the loan. In the absence of any information tending to create the belief that the people of that county are desirous, or even willing, that their own private funds, or the funds of the county, should be by law diverted from their present uses to the augmentation of the income of office-holders, your committee would hesitate before its countenance or aid could be lent to so great a departure from the practice of reducing fees in office, to that of increasing them, without satisfactory proof that it was the spontaneous desire of the people.

Your committee would briefly advert to the documents that accompany this bill. Occupying a conspicuous position on the first page of these documents, is to be found a communication addressed to the Board of Supervisors from members of the bar of Los Angeles County, calling their attention to some matters connected with the fee bill of the Clerk. The Board of Supervisors refer the subject to the bar of Los Angeles, authorizing them to draft a bill and forward it to the members of the Assembly from that county, and requesting them to have it enacted into a law. A fee-bill is drafted, to which the members of the bar attach their signatures, and it is brought to this Assembly as the genuine product of the people of Los Angeles County. It does not appear, however, that the Board of Supervisors, or any member of that Board, ever saw this fee-bill, the passage of which is by the Board urged upon this Legislature. There is no showing in this case, that the people, against whom this complaint is made by the legal counsel of the Clerk, were notified that proceedings had been instituted against them, or that the Board of Supervisors was arrogating to itself judicial powers, and was about to try them on a complaint made in the name of their own Clerk by his counsel. It does, however, appear from the documents submitted, that the Board of Supervisors assumed to sit in judgment between their own Clerk, aided and supported, (with the exception of two gentlemen,) by all the legal acumen of the entire bar, and the people of Los Angeles county.

That having heard the case *ex parte*, they submitted it to the legal counsel of the Clerk, who entered up a judgment against the people in default, and before the sentence was forwarded, sanctioned and confirmed it. This, Mr. Speaker, is the inference to be drawn from the documents submitted by your committee.

Your committee discover no claim in justice or equity, which should cause the enactment of a law to increase the purquisites of an office, for the acquisition of which months of unremitting labor may have been spent by the incumbent, when he was fully advised in advance of the labor to be performed, and the remuneration therefor.

Your committee believe that the augmentation of compensation to the incumbent of an office, when there is no increase of service required, is a dangerous precedent and an unwarrantable practice.

Your committee, fully impressed with the firm belief that the system of remuneration for services requiring constant attention, by the fees derived for the performance of official acts, as deleterious to the State, as well as to the recipient of those fees, would submit a bill as a substitute for the bill committed, having for its object a sufficient recompense for the service rendered by the officer, and the partial abolition of a pernicious system, and would recommend its passage.

J. J. WARNER,
Of Committee of Los Angeles and San Diego Delegation.

Mr. Johnson of Sierra verbally reported and recommended the passage of Assembly Bill, No. 272.

Substitute for Assembly Bill, Nos. 96 and 111, An Act in relation to Chinese and Mongolians working in the Mines of this State, the special order for this day, was made the special order for March twentieth, at ten minutes past one, P. M.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 13, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 199, An Act to legalize certain Records of the County of San Bernardino, and concerning the Recorder of said County.

Also, Assembly Bill, No. 189, An Act to authorize the Sale of the Real Estate of the late Joel Allen, deceased;

Also, Assembly Bill, No. 78, An Act to extend the time for the collection of Taxes in Mendocino.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 13, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River at its mouth, to parties therein mentioned;

Also, Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District in the County of Plumas;

Also, Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at Private Sale;

Also, Assembly Bill, No. 115, An Act to protect Female Children under the age of Seventeen Years.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, March 14, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 292, An Act to change the time of holding the terms of the District Court within the Third Judicial District with amendments.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 292, above reported.

SENATE CHAMBER,
Tuesday, March 13, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 174, An Act to authorize the State Treasurer to receive and cancel Evidence of Indebtedness;

Also, Senate Bill, No. 151, An Act to change the name of the Town of Union to that of the Town of Arcata;

Also, Senate Bill, No. 180, An Act to provide for the proper Registration and Canceling the Indebtedness paid prior to the term of the present State Treasurer;

Also, have returned to the Assembly, Senate Bill, No. 114, An Act to

provide for the Appointment of a State Assayer, of Ores and Metals and to define his Duties;

Also, have receded from their amendments to Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine;

Also, Assembly Concurrent Resolution, No. 59, Relative to paying M. Reese and C. Wilson, Clerk and Sergeant-at-Arms of Military Committee;

Also, Assembly Bill, No. 58, Relative to Mail Route from Carson City to Nevada and Sacramento.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 174 and 180, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 157, above reported, read first and second times, and referred to Humboldt Delegation.

SENATE CHAMBER,
Tuesday, March 13, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 250, An Act concerning the Office of the Assessor of Klamath County;

Also, have concurred in Assembly amendments to Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly Bill, No. 250, above reported.

SENATE CHAMBER,
Wednesday, March 14, 1860.

Mr. SPEAKER;—The Senate this day passed Senate Bill, No. 194, An Act to appropriate Money for the purchase of certain City Lots and a Dairy for the State Insane Asylum:

Also, Senate Bill, No. 216, An Act authorizing and empowering the County Recorder of Sonoma County to Transcribe certain Records and to Legalize the same.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 194, above reported, read first and second times, and referred to the Committee on Hospitals.

Senate Bill, No. 216, above reported, read first and second times, rules suspended, read third time and passed.

SECOND READING OF BILLS.

Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino in this State—read first and second times, and referred to Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gwinn, An Act to enable the State of California to accept the

Swamp and Overflowed Lands within her Limits in accordance with the provisions of an Act of Congress entitled "An Act to enable the State of Arkansas and other States to Reclaim the Swamp and Overflowed Lands within their Limits," approved twenty eighth of September, one thousand eight hundred and fifty.

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Conness, An Act to provide for the Survey and Segregation of the Swamp and Overflowed Lands donated to this State under the Act of Congress of September twenty-eighth, one thousand eight hundred and fifty, entitled "An Act to enable the State of Arkansas and other States to Reclaim the Swamp Lands within their respective Limits."

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Patten, An Act to change the manner of Collecting Foreign Miners' Tax in the County of El Dorado.

Read first and second times, and referred to the El Dorado Delegation.

By Mr. Lamar, An Act to authorize Daniel Linch and his Associates to construct a Turnpike Road through Russian River Cañon.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Makins, An Act concerning the Officers of Placer County and the Collection of Poll Taxes, License Taxes, and Foreign Miners' License Taxes in said County.

Read first and second times, and referred to the Placer Delegation.

By Mr. Bailey of Tuolumne, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," approved April nineteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Henry, An Act to authorize José de Jesus Pico to sell certain Land in San Luis Obispo County belonging to his Infant Children;

Also, An Act to authorize the Sale of certain Real Estate by Guardians.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Johnson of Sierra, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of this State,'" approved February twenty-ninth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Conness, An Act to provide for the Election of a Board of Supervisors in the County of El Dorado and to define their Powers and Duties and to provide for their Compensation.

Read first and second times, and referred to the El Dorado Delegation.

By Mr. Rogers of San Francisco, An Act to amend "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Goodman, An Act to amend an Act entitled "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. King, An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Gallagher, An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to sell Real Estate of said deceased at Private Sale.

Read first and second times and referred to the Calaveras Delegation.

By Mr. Swan, An Act concerning the office of Public Administrator in Solano County.

Read first and second times and placed on file.

By Mr. Walden, An Act to extend the provisions of an Act entitled "An Act to change the time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven.

Read first and second times and placed on file.

Mr. Shannon offered a resolution that no new business shall be introduced into this House after the first day of April next.

Laid over one day.

By Mr. Malarin, An Act to change the name of Francis S. Park to Francis Sylvester.

Read first and second times and referred to the Committee on Names.

Mr. Conness moved to amend the Frst Standing Rule of the House by inserting ten o'clock instead of eleven o'clock.

Upon which Messrs. Halsted, Watson, and Lawrence, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Campbell, Conn, Conness, Coombs, Curtis, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Hawley, Hayes, Hugg, Hundley, Jenkins, Johnson of Sierra, King, Lamar, Laspeyre, Lawrence, Lewis, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Warner, Watson, Welty, Wilkins, Williams, Wilson, and Mr. Speaker—48.

Noes—Messrs. Babcock, Crowell, Dunlap, Ellis, Harville, Howe, Kungle, Lambert, Malarin, Shannon, Stone, Theller, Tilton, Walden, Wescott, and White—16.

Mr. Rodgers of Tuolumne gave notice of reconsideration.

Mr. Wilkins gave notice of an amendment to the Second Standing Rule.

Laid over one day.

Mr. Lovell offered a Concurrent Resolution, in relation to pay of Clerk of Joint State Prison Committee.

Referred to Committee on Accounts and Expenditures, with instructions.

Assembly Bill, No. 230, An Act in relation to Indians, made special order for March twenty-second, at ten minutes past one, P. M.

Assembly Bill, No. 275, An Act to extend the time for the Collection of Taxes in San Luis Obispo County—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Lawrence offered the following resolution:

Resolved, That this House take a recess every day from half past twelve until half past one o'clock.

Laid over under the rule.

Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine—rules suspended, considered engrossed, read third time and passed.

At half past three o'clock, P. M., on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 15th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
Journal of yesterday read and approved.
Mr. Smith of Nevada, had indefinite leave of absence.

GENERAL FILE.

Assembly Bill, No. 162, An Act to regulate Pawnbrokers in this State, and to define their Liabilities—read third time and passed;

Also, Assembly Bill, No. 67, An Act to repeal part of An Act entitled "An Act for the Protection of Settlers, and to quiet Land Titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six.

On the passage of the bill, Messrs. Pate, Campbell, and Goodman, demanded the ayes and noes, and the bill was lost by the following vote:

AYES—Messrs. Beach, Bell, Conn, Covarrubias, Curtis, Ellis, Hammond, Harville, Hawley, Hundley, Lovell, Malarin, Pate, Swan, Warner, Wescott, and Mr. Speaker—17.

NOES—Messrs. Babcock, Bailey of Santa Clara, Burson, Campbell, Conness, Coombs, Crowell, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hayes, Howe, Hugg, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Laspeyre, Lawrence, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Phelps, Schmidt, Shannon, Shattuck, Smith of Sutter, Starr, Stone, Theller, Tilton, Watson, Welty, White, Wilkins, Williams, and Wilson—43.

Mr. Williams gave notice of reconsideration.

Assembly Bill, No. 261, An Act to enable a Minor therein named, to Partition, or Sell Real Estate—rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office—considered in Committee of the Whole, reported and recommended, amendments adopted, rules suspended, considered engrossed, read third time and passed.

Mr. Conness moved to suspend the rules, to consider Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State.

Upon which Messrs. Lawrence, Howe, and Crowell, demanded the ayes and noes, and the rules were suspended by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bell, Burson, Conn, Conness, Coombs, Covarrubias, Curtis, Ellis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Heston, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Laspeyre, Lewis, Lovell, Makins, Malarin, Maxson, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Smith of Sutter, Starr, Stevenson, Stone, Swan, Tilton, Walden, Warner, Watson, Welty, Wescott, White, Williams, Wilson, Yancey, and Mr. Speaker—54.

Noes—Messrs. Campbell, Crowell, Hayes, Howe, Hugg, Lamar, Lambert, Lawrence, O'Connor, and Wilkins—10.

The bill was read a third time, and—

On its passage, Messrs. Stone, Conness, and Wescott, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Bell, Burson, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Curtis, Ellis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Henry, Hayes, Heston, Hugg, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Laspeyre, Lawrence, Lewis, Lovell, Makins, Malarin, Maxson, McDermit, O'Rear, Patten, Phelps, Rogers of San Francisco, Schmidt, Shannon, Smith of Sutter, Stevenson, Theller, Walden, Warner, Watson, Welty, Wescott, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—56.

Noes—Messrs. Bailey of Tuolumne, Howe, Lambert, O'Connor, Pate, Rodgers of Tuolumne, Shattuck, Starr, Stone, Swan, Tilton, and White—12.

Mr. Shannon moved to suspend Rule Fifty-Seven, for the purpose of reconsidering the vote, by which the bill passed.

Carried.

Mr. Gwinn moved to indefinitely postpone the motion to reconsider.

Mr. Williams moved the previous question, which was sustained.

On indefinitely postponing the motion to reconsider, Messrs. Babcock, Lamar, and Stone, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Burson, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Curtis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Heston, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Laspeyre, Lovell, Makins, Malarin, McDermit, O'Rear, Patten, Phelps, Schmidt, Shannon, Smith of Sutter, Starr, Stevenson, Theller, Walden, Watson, Welty, Wescott, Williams, Wilson, Yancey, and Mr. Speaker—50.

Noes—Messrs. Bailey of Tuolumne, Ellis, Haliday, Howe, Lamar, Lambert, Lawrence, Lewis, Maxson, O'Connor, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Stone, Swan, Tilton, White, and Wilkins—19.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 263, An Act amendatory of, and supplementary to, an Act entitled "An Act to Regulate the Estate of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State;

Also, Substitute for Assembly Bill, No. 275, An Act to extend the time for Collecting Taxes in San Luis Obispo County.

BEN. T. O'REAR,
One of the Committee.

Assembly Bill, No. 256, An Act to repeal an Act entitled "An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State," approved April eighteenth, one thousand eight hundred and fifty-nine, was made the special order for Friday, March twenty-third, at half-past one o'clock, P. M.

Mr. Howe moved that the House reconsider the vote by which on yesterday the House refused to pass Senate Bill, No. 32, An Act to exempt from Taxation certain Property of the Masonic Hall Association.

Upon which, Messrs. Stevenson, Hayes, and Smith of Sutter, demanded the ayes and noes, and the vote was reconsidered as follows:

AYES—Messrs. Babcock, Bailey of Tuolumne, Burson, Conn, Conness, Coombs, Covarrubias, Curtis, Fairchild, Gallagher, Goodman, Halsted, Harville, Hawley, Hayes, Henry, Heston, Hugg, Hundley, Jenkins, Johnson of Sierra, Kungle, Lovell, Maxson, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Theller, Walden, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—48.

NOES—Messrs. Beach, Bowman, Burson, Crowell, Ellis, Gwinn, Haliday, Hammond, Howe, Jenkins, Lamar, Lewis, Makins, Malarin, McDermit, and Warner—16.

And the bill was passed.

Mr. Howe made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 182, An Act to amend "An Act to define the Boundaries and provide for the Organization of Mendocino County," have considered the same, and report the bill back to the House, with a substitute, and recommend the passage of the substitute.

The same committee, to whom was referred Assembly Bill, No. 276, An Act to authorize certain Counties to retain the State's portion of the Poll Tax to be applied to the Construction and Improvement of a Wagon Road from La Porte to Jamison City, have considered the same, and as it affects the revenue of the State, recommend its reference to the Committee of Ways and Means.

ROBERT HOWE,
Chairman.

Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," approved May third, one thou-

sand eight hundred and fifty-five—committee amendments adopted, further amended, and ordered printed.

Assembly Bill, No. 225, An Act to prevent Counties and the State from becoming burdened with the support of Paupers who are disqualified under the laws of the United States to become Naturalized Citizens—

Mr. Hundley moved to strike out the enacting clause.

Carried.

Assembly Bill, No. 236, An Act amendatory of an Act entitled "An Act amendatory of, and supplementary to, 'An Act to establish, regulate, and support Common Schools, and to repeal former Acts concerning the same,'" approved May third, one thousand eight hundred and fifty-five, approved March twenty-eighth, one thousand eight hundred and fifty-seven—indefinitely postponed.

Assembly Bill, No. 269, An Act to authorize the Sale of Real Estate of the late William E. P. Hartnell, deceased—rules suspended, considered engrossed, read a third time and passed.

The House refused to recede from its amendments to Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County, and appointed Messrs. Coombs, Conness, and Shannon, a Committee of Free Conference.

SPECIAL ORDER.

Assembly Bill, No. 95, An Act to create the County of Mokelumne and provide for its Organization, the special order of the day—was taken up, read a third time, and—

On its passage, Messrs. Welty, Goodman, and Stevenson, demanded the ayes and noes, and the bill was lost by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bowman, Campbell, Crowell, Ellis, Hayes, Hugg, Johnson of Sierra, Lawrence, Makins, Maxson, O'Rear, Smith of Sutter, Starr, Stevenson, Theller, Welty, Wilkins, and Williams—20.

NOES—Messrs. Bailey of Tuolumne, Conness, Covarrubias, Curtis, Fairchild, Goodman, Haliday, Hammond, Harville, Hawley, Heston, Howe, Hundley, Jenkins, Kungle, Lamar, Lambert, Laspeyre, Lovell, Malarin, McDermit, O'Connor, Pate, Phelps, Rodgers of Tuolumne, Shannon, Swan, Walden, Warner, Watson, White, Wilson, Yancey, and Mr. Speaker—34.

Mr. Goodman gave notice of reconsideration.

Mr. Rodgers of Tuolumne moved to reconsider the vote by which on yesterday the House changed the hour of meeting from ten o'clock to eleven o'clock, A. M.

Carried.

On the adoption of the resolution, Messrs. Conness, Hundley, and Walden, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Bowman, Conn, Conness, Goodman, Haliday, Halsted, Hammond, Hayes, Hugg, Hundley, Lamar, Lawrence, Lovell, Makins, O'Connor, O'Rear, Phelps, Shattuck, Warner, and Mr. Speaker—22.

NOES—Messrs. Babcock, Bailey of Tuolumne, Coombs, Covarrubias, Crowell, Curtis, Ellis, Fairchild, Harville, Henry, Heston, Howe, Jenkins, Johnson of Sierra, Kungle, Lambert, Malarin, Maxson, McDermit, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon,

Starr, Stevenson, Stone, Swan, Theller, Tilton, Walden, Wescott, White, Wilkins, Williams, Wilson, and Yancey—37.

The following resolution, offered on yesterday by Mr. Lawrence, was taken up:

Resolved, That this House take a recess every day from half past twelve until half past one o'clock.

Lost.

The following amendment to the Second Rule of the House, proposed by Mr. Wilkins on yesterday, was adopted:

That on Tuesday and Friday of each week the House shall proceed to the order of business as laid down in Standing Order, No. 2, of the original rules and orders, until the first Wednesday in April next.

GENERAL FILE RESUMED.

Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight—read a third time and passed.

Mr. Lamar moved to adjourn.

Lost.

Assembly Bill, No. 260, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty—rules suspended, considered engrossed, read third time and passed.

The House refused to order engrossed Assembly Bill, No. 266, An Act to authorize Erastus M. Walker, of San Joaquin County, to sell certain Lands.

Assembly Bill, No. 265, An Act supplemental to an Act, passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the office of County Assessor"—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 247, An Act to prohibit the sale of Chinese Persons of either Sex;

Also, Assembly Bill, No. 251, An Act to amend an Act entitled "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

And, also, Assembly Bill, No. 262, An Act to declare the effect of Decrees of Divorce from Bed and Board—

Ordered engrossed.

REPORTS.

Reports were made as follows:

By Mr. Burson:

Mr. SPEAKER:—The undersigned, to whom was referred Senate Bill, No. 157, has considered the same and reports the same back and recommends its passage.

L. M. BURSON.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Accounts and Expenditures,

to whom was referred Concurrent Resolution, No. 60, in relation to the amount due to the Clerk and Sergeant-at-Arms, of the Joint Committee on State Prison, have had the same under consideration, and find that the time for which said Clerk and Sergeant-at-Arms were employed, is correct, as stated in the resolution; your committtee, therefore, report back the said resolution, and recommend its adoption.

DANIEL ROGERS,
Chairman.

By Mr. Rogers:

Mr. SPEAKER—The San Francisco Delegation, to whom was referred Senate Bill, No. 143, An Act for the Relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, deceased, have had the same under consideration, and report it back and recommend its passage;

Also, Assembly Bill, No. 298, An Act conferring further powers on the Board of Supervisors of the City and County of San Francisco, report the same back with an amendment, and recommend its passage as amended;

Also, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco, to execute certain Deeds, and cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight, report the same back with amendments, and recommend its passage as amended;

Also, Assembly Bill, No. 127, An Act to authorize John B. Polhemus, Robert Allen, John Perry, and W. Southwick, their associates and assigns, to construct and keep in repair, a certain Street in the City and County of San Francisco, and to Levy and Collect Tolls thereon, report the same back with amendments, and recommend its passage as amended;

Also, Assembly Bill, No. 311, An Act to amend "An Act Concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, and report the same back, and recommend its passage.

ROGERS,
For the Delegation.

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 271, An Act to fix the time of holding the County Court and Court of Sessions, in Solano County;

Also, Assembly Bill, No. 215, An Act to Fund the Debt of the County of Sonoma, and provide for the payment of the same;

Also, Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large, in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine;

Also, Assembly Concurrent Resolution, No. 38, Relative to taking the Census;

Also, substitute for Assembly Bill, Bill, No. 275, An Act to extend the time for Collecting Taxes in the County of San Luis Obispo.

B. P. HUGG.

Assembly Bill, No. 212, An Act for the better Protection of Mining Claims in this State.

The House refused to engross.

Mr. Warner gave notice of reconsideration.

On motion of Mr. Johnson of Sierra, the House ordered printed, Assembly Joint Resolution, No. 1, Relative to the State of the Union.

At four o'clock, P. M., on motion of Mr. Schmidt, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 16, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The roll was called.
Quorum present.
The Journal of yesterday was read and approved.

RESOLUTION.

Mr. Harville offered the following resolution:

Resolved, That the order for printing the resolutions known as the "Fairchild Resolutions," be, and the same is hereby, rescinded.

Upon its adoption Messrs. O'Connor, Smith of Sutter, and Wescott, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Bell, Bowman, Conn, Curtis, Ellis, Goodman, Gwinn, Halsted, Harville, Henry, Hugg, Hundley, Jenkins, Kungle, Lamar, Lambert, Lawrence, Lewis, Lovell, Makins, McDermit, O'Connor, Rogers of San Francisco, Shannon, Shelton, Smith of Sutter, Stevenson, Wescott, White, Wilkins, Williams, and Wilson—34.

NOES—Messrs. Babcock, Burson, Campbell, Conness, Crowell, Daggett, Dunlap, Fairchild, Gallagher, Haliday, Hawley, Hayes, Howe, King, Laspeyre, Maxson, O'Rear, Pate, Patten, Phelps, Schmidt, Shattuck, Starr, Stone, Swan, Tilton, Walden, Watson, Yager, and Mr. Speaker—31.

Mr. Stevenson gave notice of reconsideration.

The Speaker presented a communication from the Chamber of Commerce of San Francisco relative to Senate Bill, No. 167, providing for building a Bulkhead.

Laid on the table.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to Regulate the Settlement of the Estate of Deceased Persons," passed May first, one thousand eight hundred and fifty-one, have had the same under consideration, and report the bill back, and recommend its passage;

Also, Assembly Bill, No. 287, An Act to repeal "An Act extending the Privileges of the Homestead Law to certain Persons and to Regulate the

creation of the same," is reported back, with a substitute, and your committee recommend the adoption and passage of the substitute.

Your committee have also had under advisement Assembly Bill, No. 294, An Act to Abolish the Office of Quartermaster-General, a majority recommending its indefinite postponement, and the minority in favor of its passage;

Also, Assembly Bill, No. 322, An Act to authorize Daniel Link and his Associates to construct a Turnpike Road through Russian River Cañon, is reported back, and its passage recommended;

Also, Assembly Bill, No. 321, An Act to authorize José de Jusus Pico to sell certain Land in San Luis Obispo County belonging to his Infant Children, is reported back amended, and its passage recommended as amended;

Also, Assembly Bill, No. 319, An Act to authorize the sale of certain Real Estate by Guardians, is reported back, and its passage recommended.

Your committee have also considered the matter of the petition of P. H. Burnett, and report the same back, together with the accompanying bill, and recommend its passage.

WILLIAMS,
Chairman.

By Mr. Warner:

Mr. Speaker:—Your committee have had under consideration Assembly Bill, No. 312, entitled An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May fourteenth, one thousand eight hundred and fifty-four, and report the same back and recommend its passage.

J. J. WARNER,
Ch'n Com. on Agriculture.

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to audit, a Claim of Thomas C. Faris;

Also, Assembly Bill, No. 42, An Act to amend "An Act to Exempt the Homestead and other Property from forced Sale in certain Cases," passed April twenty-first, one thousand eight hundred and fifty-one;

Also, Asssembly Bill, No. 209, An Act to provide for the Improvement of the Navigation of the San Joaquin River;

Also Joint Resolution, No. 50, in relation to Fraudulant Land Grants.

BEACH,
Chairman.

By Mr. Stevenson:

Mr. Speaker:—Your Committee on Claims, to whom was referred Senate Bill, No. 31, An Act appropriating money for the Relief of Justus Hovey, respectfully report that they have had the same under consideration, and have carefully examined the facts, and they find that on the fifteenth of March, one thousand eight hundred and fifty-six, an Act was passed making appropriations for the civil expenses of the government of this State, in which there is an appropriation of three thousand dollars for translating. Thomas R. Eldredge was appointed Translator. The work was performed and delivered to the Secretary of State on the eighth

day of May, one thousand eight hundred and fifty-seven, and the account of said Eldredge certified to by the Secretary of State, and presented to the State Controller, who refused to draw his warrant for the same.

Your committee would therefore respectfully report the same back, and recommend its passage.

E. A. STEVENSON,
J. BABCOCK,
T. F. JENKINS.

By the same committee:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 172, An Act for the Payment of certain Claims, have had the same under consideration, and respectfully report the same back, and recommend its passage.

E. A. STEVENSON,
Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEP'T,
Sacramento, March 15th, 1860.

To the Honorable the Assembly of the State of California:

I have to inform your Honorable Body, that I have, this day, approved Assembly Bill, No. 235, An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and to create a Contingent Fund.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 15th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 196, An Act for the Payment of J. Bithell;

Also, Assembly Bill, No. 211, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes;

Also, Assembly Bill, No. 163, An Act to confer further powers upon the Board of Education, and the Auditor, and Treasurer, of the City and County of San Francisco, also amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further powers upon the Board of Supervisers, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned;"

Also, Assembly Bill, No. 275, An Act to extend the time for Collecting Taxes in the County of San Luis Obispo.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, March 15th, 1860.

Mr. SPEAKER:—The Senate has this day concurred in Assembly Concurrent Resolution, No. 60, Relative to pay of Clerk and Sergeant-at-Arms of State Prison Committee.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Thursday, March 15th, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 215, An Act to fix the Compensation of the County Judge of Tulare County;

Also, this day, Assembly Bill, No. 275, An Act to extend the time for Collecting Taxes in the County of San Luis Obispo;

Also, Senate Bill, No. 10, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 215, above reported, read first and second times, and referred to the Tulare Delegation.

Senate Bill, No. 10, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. McDermit, An Act to amend "An Act concerning Notaries Public in this State," so far as the same relates to Siskiyou County.

By Mr. King, An Act appropriating Money for the relief of the Roman Catholic Orphan Asylum of Los Angeles;

Also, An Act concerning the Infant Heirs of Bernardo Torba, deceased,

By Mr. Covarrubias, An Act to Incorporate the City of Santa Barbara.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Johnson of Sierra, An Act to change the name of George Rieser to that of Thomas Smith.

Read first and second times and placed on file.

By Mr. Laspeyre, An Act to provide for the Segregation and Selection of Swamp and Overflowed Lands.

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Smith of Sutter, An Act amendatory of "An Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum,

and State Prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Judiciary Committee.

GENERAL FILE.

On motion of Mr. Conness, the enacting clause of Assembly Bill, No. 63, An Act to appropriate Money to pay William H. Peterson, was stricken out.

Mr. Stevenson gave notice of reconsideration.

Senate Bill, No. 157, An Act to change the name of the Town of Union to that of the Town of Arcata—read third time and passed.

Assembly Bill, No. 246, An Act amendatory of "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three —ordered engrossed.

Assembly Bill, No. 198, An Act for the relief of J. W. Marshall, the Discoverer of Gold in California—considered in Committee of the Whole, reported with amendment that the words "ten thousand," on first line of section first, be stricken out and the word "one" inserted.

On the adoption of the amendment, Messrs. Conness, Laspeyre, and Smith of Sutter, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Coombs, Crowell, Curtis, Dunlap, Ellis, Gwinn, Haliday, Hammond, Hayes, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lewis, Maxson, McDermit, O'Connor, O'Rear, Patten, Phelps, Shelton, Smith of Sutter, Stevenson, Stone, Walden, Wescott, White, Williams, Wilson, and Yager—36.

Noes—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conness, Covarrubias, Fairchild, Gallagher, Goodman, Halsted, Harville, Hawley, Henry, King, Lamar, Laspeyre, Lawrence, Lovell, Makins, Malarin, Pate, Rogers of San Franciso, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Swan, Theller, Warner, Watson, Welty, Yancey, and Mr. Speaker.—35.

Mr Conness moved to commit the bill to a Special Committee of five.

Upon which Messrs, Conness, Babcock, and Laspeyre, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Campbell, Conness, Fairchild, Gallagher, Goodman, Harville, Hawley, King, Laspeyre, Lawrence, Lovell, Makins, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Starr, Stone, Swan, Theller, Tilton, Warner, Watson, Welty, and Yancey—30.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Burson, Coombs, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Gwinn, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Lewis, Malarin, Maxson, McDermit, O'Connor, O'Rear, Patten, Shelton, Smith of Sutter, Stevenson, Walden, White, Williams, Wilson, Yager, and Mr. Speaker—40.

Mr. Conness moved to commit the bill to the Committee on Public Morals.

Upon which Messrs. Hayes, Williams, and Bailey of Santa Clara, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Campbell, Conness, Gallagher, Goodman, Harville, Hawley, King, Laspeyre, Lovell, Makins, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Starr, Stone, Theller, Tilton, Warner, Watson, and Yancey—23.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Burson, Coombs, Covarrubias, Crowell, Curtis, Dunlap, Ellis, Gwinn, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Kungle, Lamar, Lambert, Lawrence, Lewis, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Shattuck, Shelton, Smith of Sutter, Stevenson, Swan, Walden, Wescott, White, Williams, Wilson, Yager, and Mr. Speaker—44.

Mr. Howe moved the previous question, which was sustained.

On motion of Mr. Burson the bill was indefinitely postponed.

Mr. Goodman moved to reconsider the vote by which the House on yesterday refused to pass Assembly Bill, No. 95, An Act to create the County of Mokelumne and provide for its Organization.

Mr. Laspeyre moved to indefinitely postpone the motion to reconsider.

Upon which Messrs. Laspeyre, Goodman, and Howe, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Haliday, Hammond, Harville, Hawley, Howe, Hugg, Hundley, Jenkins, Kungle, Lamar, Laspeyre, Lewis, Lovell, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Shattuck, Walden, Warner, Watson, Wescott, White, Yager, Yancey, and Mr. Speaker—30.

Noes—Messrs. Babcock, Bailey of Santa Clara, Beach, Bell, Burson, Campbell, Conness, Coombs, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Halsted, Hayes, Henry, Johnson of Amador, Johnson of Sierra, Lambert, Makins, Maxson, Patten, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Swan, Tilton, Welty, Williams, and Wilson—35.

On reconsidering the vote Messrs. Laspeyre, Conness, and Goodman, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Burson, Campbell, Conness, Coombs, Covarrubias, Crowell, Daggett, Ellis, Gallagher, Goodman, Gwinn, Halsted, Hayes, Henry, Johnson of Amador, Johnson of Sierra, Lawrence, Makins, Maxson, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Welty, Williams, and Wilson—32.

Noes—Messrs. Bailey of Tuolumne, Bell, Dunlap, Fairchild, Haliday, Hammond, Harville, Howe, Hugg, Hundley, Jenkins, King, Lamar, Lambert, Laspeyre, Lewis, Lovell, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Rogers of Tuolumne, Shannon, Shattuck, Swan, Walden, Warner, Watson, White, Yager, Yancey, and Mr. Speaker—33.

On motion of Mr. Warner, the House reconsidered the vote by which the House on yesterday refused to engross Assembly Bill, No. 218, An Act for the better Protection of Mining Claims in this State, and referred the bill to the Judiciary Committee.

SPECIAL ORDER.

Assembly Bill, No. 68, An Act concerning the Organization of the Militia, the special order of the day, was considered in Committee of the Whole. After spending some time in the consideration of the bill, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Williams, the reconsideration of the vote by which the House on yesterday, refused to pass Assembly Bill, No. 67, An Act to repeal part of an Act entitled "An Act for the Protection of Settlers and to quiet Land Titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six, was postponed until to-morrow at half past one o'clock, P. M.

REPORT.

Mr. Theller made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 129, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as Counties of Trinity and Butte are concerned;

Also, substitute for Assembly Bill, No. 292, An Act to change the time of holding the Terms of the District Court within the Third Judicial District;

Also, Assembly Concurrent Resolution, No. 58, Relative to Mail Route from Carson City to Nevada and Sacramento.

S. L. THELLER.

At four o'clock, P. M., on motion of Mr. Rodgers of Tuolumne, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 17, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Covarrubias had indefinite leave of absence, and Messrs. Conn and Wilkins one day each.

REPORTS.

Reports were made as follows:
By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Accounts and Expenditures have examined the following accounts and find them correct, and recommend their payment, viz:

Purpose.	Amount.
Charles T. Botts, for Daily and Weekly Standard furnished to Members of the Assembly to March 17th, 1860	$132 00
C. W. Tozer, for Postage furnished Members of the Assembly	310 00
D. Kendall, for Bill of Sundries for use of Assembly	39 25
J. Bithell, for Stationery for use of Assembly and Committees	210 25
Total	$690 50

DANIEL ROGERS,
Chairman.

Adopted.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined copying done for the Assembly up to March seventeenth, and find it as follows:

Character of Work.	Folios.	Amount per Folio.	Amount.
Appendix	450	15 cts.	$67 50
do New	800	15 cts.	120 00
Printer	1,820	10	182 00
Totals	3,010		$369 50

Your Committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant, in favor of the Chief Clerk, J. M. Anderson, for the sum of three hundred and sixty-nine dollars and fifty cents, payable out of the Copying Fund of the Assembly.

McDERMIT.

Adopted.

GENERAL FILE.

Assembly Bill, No. 209, An Act to provide for the improvement of the Navigation of the San Joaquin River;

Also, Senate Bill, No. 169, An Act for the Relief of Michael Gregory—Read a third time and passed.

REPORT.

The following report was made by Mr. O'Rear:

Mr. SPEAKER:—Your Committee on Engrossment have examined and found correct the following Assembly Bills:

Assembly Bill, No. 300, An Act to reincorporate the City of Los Angeles;

Also, Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office;

Also, Assembly Bill, No. 262, An Act to declare the effect of Decrees of Divorce from Bed and Board;

Also, Assembly Bill, No. 269, An Act to authorize the sale of Real Estate of the late William E. P. Hartnell, deceased;

Also, Assembly Bill, No. 260, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 247, An Act to prohibit the sale of Chinese Persons, of either Sex;

Also, Assembly Bill, No. 261, An Act to enable a Minor, therein named, to partition and sell Real Estate;

Also, Assembly Bill, No. 251, An Act to amend an Act entitled "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Assembly Resolution, No. 52, Relative to cession of certain Territory to the State of California by the Federal Government.

O'REAR,
For Committee.

The House resolved itself into Committee of the Whole for the purpose of considering Assembly Bill, No. 68, An Act concerning the organization of the Militia.

After spending some time in its consideration, the Committee rose, reported the bill with amendments, and were discharged.

The House adopted amendments of the Committee of the Whole.

Mr. Conness moved to suspend the rules and consider the bill engrossed.

Upon which Messrs. Hundley, Swan, and Wescott, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Conness, Coombs, Crowell, Dunlap, Gallagher, Gwinn, Halsted, Hammond, Hayes, Henry, Hugg, Jenkins, Lamar, Lewis, Lovell, Makins, Maxson, O'Connor, Patten, Rogers of San Francisco, Shannon, Smith of Nevada, Stevenson Stone, Warner, Williams, and Yancey—30.

Noes—Messrs. Bowman, Ellis, Harville, Hundley, Johnson of Sierra, Kungle, McDermit, Smith of Sutter, Starr, Swan, Walden, Welty, Wescott, Wilson, and Yager—15.

The bill was considered engrossed, read third time and passed.

Mr. Daggett made the following report:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 116, An Act for the payment of expenses incurred in the Suppression of Indian Hostilities, in certain counties in this State.

JOHN DAGGETT,
Chairman.

The following resolution was offered by Mr. Bailey of Tuolumne:

Whereas, This is the Anniversary of the eminent Patron Saint of the Emerald Isle.

And, Whereas, It is the disposition of this body, to pay a proper regard and respect, to the memory of all great and good men, therefore—

Resolved, That this Assembly do now adjourn to Monday next, at eleven o'clock, A. M.

On the adoption of the resolution, Messrs. Johnson of Sierra, Hugg, and Bailey of Tuolumne, demanded the ayes and noes, with the following result:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bell, Bowman, Conness, Crowell, Dunlap, Gwinn, Halsted, Hammond, Harville, Hayes, Henry, Hundley, Jenkins, Johnson of Sierra, Lovell, Makins, Maxson, McDermit, Patten, Shannon, Smith of Nevada, Smith of Sutter, Swan, Walden, Warner, Wescott, Williams, Wilson, Yager, and Yancey—31.

NOES—Messrs. Covarrubias, Ellis, Goodman, Hugg, Kungle, Lamar, Lewis, O'Connor, Rogers of San Francisco, Starr, Stevenson, Welty, and Wilkins—13.

And the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 19, 1860.

The House met pursuant to adjournment.
Speaker *pro tem.* in the Chair.
The Roll was called.
Quorum present.
Journal of Saturday read and approved.
Messrs. Wescott, Burson, Pate, and Haliday, had two days leave of absence, each.
Messrs. Curtis, Lovell, Shelton, Tilton, Schmidt, Malarin, O'Rear, Howe, Rodgers of Tuolumne, Theller, Phelps, Conn, Shattuck, and Laspeyre, one day, each.
Mr. Bailey, of Santa Clara, indefinite leave.

GENERAL FILE.

Assembly Bill, No. 42, An Act to amend "An Act to Exempt the Homestead and other Property from Forced Sale in certain cases," passed April twenty-one, one thousand eight hundred and fifty-one—read third time and passed.
Senate Bill, No. 89, An Act to create the Office of State Geologist, and define the Duties thereof—amendments adopted, considered in Committee of the Whole, reported and recommended.
Mr. Lamar offered to amend the seventh section by striking out "Professor Agassiz," and inserting the word "Governor."
Upon which Messrs. Ellis, Lamar, and Conness, demanded the ayes and noes, and the amendment was lost by the following vote:

AYES—Messrs. Dunlap, Ellis, Hayes, Heston, Jenkins, Lamar, Lambert, Maxson, McDermit, Patten, Rogers of San Francisco, Smith of Sutter, Stevenson, Stone, Swan, Wilson, and Yancey—17.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Crowell, Daggett, Fairchild, Halsted, Hammond, Harville, Hawley, Hugg, Hundley, Kungle, Lewis, Makins, O'Connor, Sawyer, Shannon, Smith of Nevada, Starr, Walden, Warner, Watson, Welty, White, Williams, and Yager—30.

Mr. Warner offered the following amendment:

In case of a vacancy in the office of State Geologist by the death or inability of both the persons named in this act, the Governor may appoint until the next meeting of the Legislature, some person to fill the vacancy.

Adopted.

Bill read a third time and passed.

Assembly Bill, No. 212, An Act to exempt persons who are, or may hereafter become, Members of a Fire Company, from the Payment of a Poll Tax.

Mr. Welty moved to recommit the bill, with special instructions.

Upon which Messrs. Welty, Beach, and Rogers of San Francisco, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bell, Crowell, Daggett, Dunlap, Henry, Kungle, Lamar, Lewis, Maxson, McDermit, Patten, Rogers of San Francisco, Sawyer, Smith of Nevada, Smith of Sutter, Starr, Welty, and Wilson—19.

NOES—Messrs. Beach, Bowman, Conness, Coombs, Ellis, Gallagher, Gwinn, Halsted, Hammond, Harville, Hawley, Hugg, Hundley, Jenkins, Lambert, Lovell, Makins, O'Connor, Shannon, Stevenson, Stone, Swan, Walden, Warner, White, Williams, Yager, Yancey—28.

Mr. Shannon moved to indefinitely postpone the bill.

Upon which Messrs. Welty, Williams, and Conness, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Tuolumne, Conness, Gwinn, Hammond, Harville, Hawley, Hayes, Hundley, Jenkins, Johnson of Sierra, Kungle, Lewis, Makins, McDermit, O'Connor, Shannon, Smith of Sutter, Stone, Swan, Walden, Warner, Williams, and Yager—21.

NOES—Messrs. Babcock, Beach, Bell, Bowman, Coombs, Crowell, Daggett, Dunlap, Ellis, Gallagher, Halsted, Henry, Hugg, Lamar, Lambert, Lawrence, Lovell, Maxson, Rogers of San Francisco, Sawyer, Smith of Nevada, Starr, Stevenson, Welty, White, Wilson, and Yancey—27.

On the passage of the bill, Messrs. Welty, Babcock, and Rogers of San Francisco, demanded the ayes and noes, and the bill was lost by the following vote:

AYES—Messrs. Babcock, Bowman, Crowell, Daggett, Dunlap, Ellis, Gallagher, Henry, Hugg, Kungle, Lambert, Lawrence, Maxson, McDermit, Rogers of San Francisco, Sawyer, Smith of Nevada, Smith of Sutter, Starr, Wilson, and Yancey—22.

NOES—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Coombs, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hundley, Jenkins,

Johnson of Sierra, Lamar, Lewis, Lovell, Makins, O'Connor, Shannon, Stevenson, Stone, Swan, Walden, Warner, Welty, White, Williams, and Yager—29.

Mr. Welty gave notice of reconsideration.

REPORTS.

Reports were made as follows:
By Mr. Beach:

Mr. SPEAKER:—Your Committee on Engrossment, have examined the following Assembly Bills, and found them correctly engrossed:

Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to amend An Act to Establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 246, An Act amendatory of "An Act to authorize the Formation of Corporations for the Construction of Plank and Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three.

BEACH,
Chairman.

Mr. Smith, of Nevada, presented a Memorial of citizens of Nevada County, relative to Donation to Home of the Inebriate.

Referred to the Committee on Public Morals.

By Mr. Johnson of Sierra:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions in this State," have considered the same, and a majority of the committee report it back, and recommend its passage.

B. M. HENRY,
B. F. PATE,
MINER WALDEN,
JOHN LAMBERT,
GEO. W. BAILEY,
JAS. A. JOHNSON, of Sierra.

By Mr. Makins:

Mr. SPEAKER:—The undersigned, a member of the Committee of Commerce and Navigation, to whom was referred Senate Bill, No. 108, An Act amendatory of, and supplemental to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," begs leave to make the following minority report:

Under the assumption of protection to the consumer, said bill provides for an indirect tax, which will be burdensome, and will not perform the offices which its friends and supporters expect it to. The Inspector will receive seventy-five cents for inspecting and branding every barrel of salt provisions of two hundred pounds, while the bill does not provide for the amount the said Inspector shall receive for cooperage, pickling, and cleaning, said salt provisions, but leaving the importer entirely at his

mercy, and forcing him to comply with exorbitant charges which said Inspector may seem fit to exact, thereby placing it in the power of said Inspector to become a petty tyrant, and impose upon the people of this State an additional tax to the seventy-five cents per barrel allowed for inspecting and branding said salt provisions.

The passage of inspection laws in this State have been regarded by many as of doubtful utility, as there has been several incorporated upon our statute-book which, upon fair trial, have proved ineffectual in protecting the people from imposition, and have been repealed on account of being of no practical purpose, but on the contrary, injurious not only to trade, but to the State at large, and also, having a tendency to bring official integrity into disrepute.

The bill proposed will change the system at present customary respecting reclamations paid by importers and jobbers in the cities to country merchants. The small dealers now, when the articles sold to them do not come up to the mark as represented to them by the importer, do receive any just amount of reclamation. Under the system proposed by this bill the importer will show the legal brand of the Inspector, and refuse to allow the small trader any redress, and refer him to the Inspector, and if the trader desires justice, he will have to resort to the courts to receive the reclamation he demands, at a heavy expenditure of time and money, or submit to the imposition forced upon him by the laws of the State.

For these reasons, and many others, I beg leave most respectfully to dissent from the recommendation of the majority of the Committee of Commerce and Navigation, and recommend that the bill be indefinitely postponed.

JAMES M. MAKINS.

By Mr. Ellis:

Mr. SPEAKER:—The Committee on State Hospitals, to whom was referred Senate Bill, No. 194, An Act to appropriate Money for the Purchase of certain City Lots, and a Dairy, for the State Insane Asylum, having considered and amended the same, report the bill back to the House, and recommend its passage as amended.

R. B. ELLIS,
J. W. HARVILLE,
A. J. KING,
J. WESCOTT,
L. M. BURSON.

By Mr. Lamar:

Mr. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate Bill, No. 107, An Act appropriating Moneys for the Benefit of the Ladies Seamen's Friend Society of San Francisco, having had the same under consideration, report the same back to the House, and a majority of said committee, consisting of Messrs. Lamar, Laspeyre, Gwinn, Shannon, Daggett, and Yancey, recommend that the bill do not pass. In making this recommendation we are impelled by a sense of duty to those who bear the burdens of taxation for the support of government, while, at the same time, we duly appreciate the benevolent objects of the association asking aid, and regret that our State Government is not in a condition to be generous without impairing her ability to be just. A minority, consisting of Messrs. Warner, Rogers, Shelton, and Halsted, recommend the passage of the bill.

LAMAR,
Chairman.

By the same:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 299, entitled An Act concerning Taxes in Monterey County, have had the same under consideration, and recommend its passage;

Also, Senate Bill, No. 136, entitled An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four, have carefully examined the same, and recommend its indefinite postponement;

Also, Assembly Bill, No. 270, entitled An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara and Sonoma, and to regulate the Time of Settlement by them with the Controller and Treasurer of State, have carefully considered the same, and recommend its passage as amended.

J. B. LAMAR,
Chairman.

By Mr. Welty:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 87, entitled An Act to repeal "An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City," passed February twenty-fifth, one thousand eight hundred and fifty-four, and to fix the same at the City and County of San Francisco, beg leave to report the same back, with a recommendation that it do not pass.

D. W. WELTY,
JNO. H. BOWMAN,
P. A. GALLAGHER.

By Mr. Maxson:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 87, entitled An Act to repeal "An Act to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City," passed February twenty-fifth, one thousand eight hundred and fifty-four, and to fix the same at the City and County of San Francisco, have taken the same under consideration, and beg leave to report the same back, and recommend its passage.

WM. B. MAXSON,
Chairman.
J. M. CROWELL.

By Mr. Gallagher:

Mr. PRESIDENT:—The delegation from Calaveras County, to whom was referred Assembly Bill, No. 313, An Act to authorize R. P. Andrews, Administratrix of the Estate of John Andrews, deceased, to sell Real Estate of said deceased at Private Sale, have had the same under consideration, and herewith return the bill, and recommend its passage.

P. A. GALLAGHER,
S. WILSON.

Assembly Bill, No. 313, above reported—the rules being suspended, considered engrossed, read a third time and passed.

By Mr. Dunlap:

Mr. SPEAKER:—The delegations to whom was referred Senate Bill, No.

39, An Act authorizing the Board of Supervisors of El Dorado County to levy a Bridge-Toll at Brockliss, on the Sacramento and El Dorado Wagon Road, over the Sierra Nevada, have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute.

DUNLAP,
Chairman.

Substitute for Senate Bill, No. 39, above reported—adopted, read a third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 17, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
March 19, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 78, An Act defining the Locality of the Village of Strawberry Valley.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 78, above reported, read first and second times, rules suspended, read a third time and passed.

SENATE CHAMBER,
March 19, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 120, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Support of the Government of this State,'" approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 120, above reported, read first and second times, and referred to the Committee on Ways and Means.

SENATE CHAMBER,
March 17, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 133, An Act to provide for the Issuance and Payment of Bonds for expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State;

Also, this day, passed Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman for services and expenses incurred as Commissioners from the State of California to the

President of the United States, in the year one thousand eight hundred and fifty-six.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 133, above reported, read first and second times.

Mr. Williams moved to refer the bill to the whole house, now.

Upon which, Messrs. Conness, Maxson, and Starr, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Beach, Conness, Coombs, Crowell, Dunlap, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Jenkins, King, Kungle, Lewis, Lovell, Makins, Maxson, O'Connor, Shannon, Smith of Nevada, Starr, Swan, Warner, Watson, Welty, Williams, Wilson, and Yager—33.

Noes—Messrs. Babcock, Daggett, Ellis, Heston, Johnson of Sierra, Lamar, Lambert, Lawrence, Patten, Rogers of San Francisco, Smith of Sutter, Stevenson, Stone, Walden, White, and Yancey—16.

Bill was considered in Committee of the Whole, and reported.

Mr. Johnson of Sierra, moved to make the further consideration of the bill the special order for Thursday next.

Mr. Conness moved to indefinitely postpone the bill.

Mr. Conness moved the previous question.

Sustained.

The motion of Mr. Johnson of Sierra, to make the bill the special order for Thursday next, was lost.

On the motion of Mr. Lawrence, to refer to a special committee of five, Messrs. Daggett, Lambert, and Lawrence, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bowman, Daggett, Heston, Johnson of Sierra, Lamar, Lambert, Lawrence, Patten, Rogers of San Francisco, Smith of Sutter, Stevenson, Stone, Walden, Welty, and White—16.

Noes—Messrs. Bailey of Tuolumne, Beach, Conness, Coombs, Dunlap, Ellis, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Jenkins, King, Kungle, Lewis, Lovell, Makins, Maxson, O'Connor, Shannon, Smith of Nevada, Starr, Swan, Warner, Watson, Williams, Wilson, Yager, and Yancey—34.

On the indefinite postponement of the bill, Messrs. Conness, Hundley, and Shannon, demanded the ayes and noes, and the bill was indefinitely postponed by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Conness, Coombs, Crowell, Dunlap, Ellis, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Jenkins, King, Kungle, Lamar, Lambert, Lewis, Lovell, Makins, Maxson, O'Connor, Shannon, Smith of Nevada, Starr, Stone, Swan, Watson, White, Williams, Wilson, and Yager—38.

Noes—Messrs. Babcock, Bowman, Daggett, Heston, Johnson of Sierra, Lawrence, Patten, Rogers of San Francisco, Smith of Sutter, Stevenson, Walden, Warner, Welty, and Yancey—14.

FURTHER MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 184, An Act making appropriations for deficiencies made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June thirtieth, and thousand eight hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 184, above reported, read first and second times, and referred to the Committee on Ways and Means.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Lamar, An Act amendatory of "An Act Relative to the Payment of Expenses incurred in the Suppression of Indian Hostilities, and Property and Losses sustained by reason thereof, in certain Counties of this State;"

Also, a bill for An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County;

Also, a bill for An Act to restrict the Herding of Sheep in Mendocino County;

Also, a bill for An Act declaring certain Streams Navigable.

By Mr. Swan, An Act supplementary and amendatory of an Act entitled "An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and Marysville Railroad Company and to provide for the Payment of the same and other matters relating thereto," approved April sixteenth, one thousand eight hundred and fifty-nine.

Mr. Maxson was added to the Committee on Spanish Translations.

By Mr. Kungle, An Act fixing the time at which Representatives in Congress shall be elected.

By Mr. Henry, An Act amendatory of "An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character in this State."

REPORT.

The following report was made by Mr. Heston:

Mr. SPEAKER:—Your delegation, to whom was referred Senate Bill, No. 215, have examined the the same, and report it back, and recommend its passage.

T. M. HESTON,
For the Delegation.

Senate Bill, No. 215, above reported, read a third time and passed.

On motion of Mr. Bailey of Tuolumne, at three o'clock, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 20th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. McDermit, had two days leave of absence; Mr. Burson one day, and Mr. Wilkins for three days.

REPORTS.

Reports were made as follows:
By Mr. Lamar:

Mr. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate Bill, No. 174, An Act to authorize the State Treasurer to receive and Cancel certain Evidences of Indebtedness, report the same back to the House, with the recommendation that it pass.

LAMAR,
Chairman.

By Mr. Patten:

Mr. SPEAKER:—Your Auditing Committee, have examined the copying done for the Assembly, from March twelfth, to the nineteenth, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal	550	15 cts.	$82 50
For Printer, etc	2,415	10	241 50
Total	2,965		$324 00

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State, be authorized to draw his warrant, in favor of the Chief Clerk, J. M. Anderson, for the sum of three hundred and twenty-four dollars, payable out of the Copying Fund of the Assembly.

D. C. PATTEN,
Chairman.

Adopted.
Mr. Welty moved to reconsider the vote, by which the House on yesterday refused to pass Assembly Bill, No. 112, An Act to Exempt persons who are, or may hereafter become Members of a Fire Company from the Payment of Poll Tax.
Upon which Messrs. Conness, Hayes, and Hundley, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Crowell,

Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Henry, Heston, Hugg, Jenkins, Kungle, Lambert, Lawrence, Malarin, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Welty, White, Wilson, Yancey, and Mr. Speaker—41.

Noes—Messrs. Bailey of Tuolumne, Conn, Conness, Curtis, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hundley, Johnson of Sierra, King, Lamar, Laspeyre, Lewis, Makins, O'Connor, Shannon, Stone, Swann, Walden, Warner, Watson, Williams, and Yager—26.

Mr. Conness moved to recommit the bill to the Engrossing Committee, with instructions to insert the words "and military," after the word "poll" in the first section.

Carried.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Williams, An Act to prescribe the manner of Suppressing Insurrections and Invasions, in this State.

By Mr. Malarin, An Act to Incorporate the Town of San Juan, in Monterey County.

By Mr. Goodman, An Act to Exempt certain classes of Persons from paying Tolls, on Roads, Bridges, and Ferries, in this State.

REPORTS.

Reports were made as follows:

By Mr. Henry:

To the Legislature of the State of California:

Mr. Speaker:—The undersigned members of the committee appointed to take into consideration the permanent location of the State Capital, or the removal thereof if deemed expedient, beg leave to submit the following report:

Your committee have noticed with surprise in the *Daily Standard* and the *Sacramento Daily Union*, of the ninth of March, a report purporting to be the report of the State Capitol Committee, when it is well known that that committee had not had a meeting since their return from San Francisco. We protest against this manner of proceeding.

A meeting of the committee was called verbally by its Chairman, (Colonel Watkins,) to meet at the Assembly Chamber at ten o'clock, A. M. March eighth. Two of the undersigned met at the appointed hour and remained until eleven o'clock, *and were the only members present.* On the same morning the report before alluded to was presented to the Senate.

Your committee do not deem it necessary to state facts connected with their appointment or their action under the resolution, as they have been fully set forth in the report of the four gentlemen who signed it; but we do dissent from the conclusion therein arrived at. While we fully agree with them that a permanent location of the capital of the State, and the erection of suitable buildings therefor, are matters of the first importance, yet we do not believe that Sacramento is the proper location therefor.

Experience has taught us the following facts in this case:

First—Nearly all who have any business in connection with the State at its capital, are either Legislators, County Treasurers, or members of the bar and their clients having business before the Supreme Court. Now, it is a well established fact, that prior to the meeting of each Legislature

at least three-fourths of the members representing counties north of Sacramento, and who necessarily pass through it, go to San Francisco, either for business purposes or pleasure, and then return to Sacramento. It is also well known that neither House, during the present session, has been in good working order on Saturdays after one o'clock, P. M. or on Mondays, on account of the weekly hegira of their members to San Francisco. One branch of this Legislature has frequently adjourned at an early hour on Saturday, until Tuesday morning, the State thus paying for two days' labor to representatives which they never performed. County Treasurers living north of Sacramento come to the capital, make their settlements, go to San Francisco, and then return through Sacramento, making an additional expense for the time they take up in stopping at the capital.

The records of the Supreme Court will show that over one-half of the cases pending before that body are under the control of lawyers living in San Francisco, and one-third of the balance of lawyers who can more easily and with less expense reach San Francisco than Sacramento; indeed a bill is now pending to remove the Supreme Court to San Francisco.

It is not the intention of your committee to call into question the implied breach of faith on the part of the city which has now the honor of being the seat of government; doubtless her many misfortunes by fire and flood is a good excuse for her non-fulfillment of sundry promises made at the time of the removal of the capital to this place, and the late action of the Board of Supervisors of the city and county of Sacramento, tendering the free use of the present building to the State, is certainly laudable and praiseworthy; your committee only regret that this fit of liberality had not seized them some four years ago, thereby saving the State some forty or fifty thousand dollars.

Your committee agree with those members who signed the former report, when they say: "Past experience, however, has demonstrated that it is *unsafe* to rely upon offers of local competition," but wish to add, that where such offers are accompanied with a solemn enactment of the Legislature, at the solicitation of the proposers, we feel perfectly secure in accepting an offer emanating from an opulent city like San Francisco.

It is not the desire of your committee, to place the State in the position of a beggar, but in view of the present depleted state of her treasury, and in view of the fact that the great commercial emporium of the State, aye, of the Pacific Coast, a place more easy of access to the masses of the people of the State, having made the liberal offer of a square, on which to erect a capitol building, and having signified her desire to appropriate one hundred and fifty thousand dollars for capitol purposes, we most unhesitatingly recommend the removal of the capital to San Francisco, at the close of the present session of the Legislature, and its permanent location at that point.

The sum proposed to be donated by the city and county of San Francisco will, in the opinion of your committee, be sufficient to erect such portion of the capitol building (say a wing,) as will enable the next Legislature to hold its session in that city, and will avoid the necessity of making any appropriation for that purpose by this Legislature. In case the State prison and its management shall revert to the State, all the brick and stone necessary for the construction of the capitol building, can be furnished by convict labor.

The next thing that suggests itself to your committee, is the square on which to erect said building. The accompanying bill fully explains our views on this point.

In conclusion, your committee has read with regret and chagrin, that portion of the report made by a part of your committee, containing the following significant sentence: "In point of size, Sacramento is the second city in the State, while on the one hand it is sufficiently populous and extensive to accommodate the wants of a Legislature, and insure the convenience and comfort of its members, on the other it is *destitute of the corrupting influences and moneyed power of a great metropolis.*"

We scarcely know whether to be amused or indignant, at that sentence. The flash press of the day is so accustomed to charge *corruption*, and ring out the stale saying of "moneyed influence," even in the immaculate city of Sacramento, that we naturally expect to see it in every morning's issue, but that a committee of the Legislature in a dignified report, should admit even by implication such an influence on themselves, (for they have no claim to superiority over their peers,) is an insult to the body of which they are members.

When legislators of California cease to vindicate their own dignity, then they can no longer expect their constituents to do so for them,

HENRY,
WALDEN,
CURTIS,
Of the Committee.

By Mr. Sawyer:

Mr. SPEAKER:—The delegations from San Francisco and Marin counties, to whom was referred Assembly Bill, No. 240, have had the same under consideration, and beg leave to report the same back and recommend its passage.

SAWYER,
For San Francisco Delegation.
SAMUEL LEWIS,
For Marin County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crowell, An Act to create the Office of State Marshal, define his Duties, and fix the Compensation thereof.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hundley, An Act to authorize the Surveyor-General of the State of California to run out and mark the Boundary Lines between the Territories of the United States and the State of California.

Read first and second times, and refered to Select Committee of one from each county on the boundary line.

Mr. Pate offered a Concurrent Resolution, Relative to the appointment of a Committee to make Arrangements to Entertain the Japanese Embassy.

Mr. Hayes moved to lay the resolution on the table.

Upon which, Messrs. Lamar, O'Conner, and Hayes, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Halsted, Hayes, Hugg, Lamar, Lewis, O'Connor, Patten, Stone, and Wilson—9.

NOES—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conn, Conness, Crowell, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Henry, Heston, Hundley, Jenkins, Johnson of

Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lovell, Makins, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Theller, Tilton, Walden, Warner, Watson, Welty, White, Yager, Yancey, and Mr. Speaker—56.

Mr. Johnson of Sierra, moved the previous question.

Sustained.

On the adoption of the resolution, Messrs. Rogers of San Francisco, Hayes, and Patten, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conn, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Hawley, Henry, Heston, Jenkins, Kungle, Lambert, Lawrence, Lovell, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer Schmidt, Shannon, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, Theller, Tilton, Walden, Wescott, White, Williams, Yager, and Mr. Speaker—41.

Noes—Messrs. Bailey of Tuolumne, Conness, Gallagher, Halsted, Hammond, Harville, Hayes, Hugg, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lewis, Makins, O'Connor, Patten, Rodgers of Tuolumne, Shelton, Stone, Warner, Watson, Welty, and Wilson—24.

FURTHER INTRODUCTION OF BILLS.

By Mr. Lamar, An Act to amend "An Act amendatory of an Act entitled 'An Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State,'" approved April twenty-fifth, one thousand eight hundred and fifty-seven, approved April seventh, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Indian Affairs;

Also, An Act to declare certain Rivers within the County of Mendocino Navigable.

Read first and second times, and referred to the Committee on Commerce and Navigation;

Also, An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County.

Read first and second times, and placed on file.

By Mr. Laspeyre, An Act to appropriate Money for the Payment of small Accounts due from the Insane Asylum.

Read first and second times, and referred to the Committee on Claims.

By Mr. Welty, An Act to provide for the Issue of Duplicate Certificates of Lands purchased from this State in all cases where the originals have been lost or destroyed.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. O'Rear, An Act amendatory of an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," approved April nineteen, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Yuba Delegation.

On motion of Mr. Stevenson, Senate Bill, No. 172, An Act for the Payment of certain Claims, was taken up, considered in Committee of the Whole, reported, passage recommended, and read third time.

On its passage, Messrs. Conness, Lewis, and Halsted demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Campbell, Crowell, Curtis, Daggett, Ellis, Hayes, Heston, Jenkins, Johnson of Sierra, Lamar, Lambert, Lawrence, Lewis, Lovell, Maxson, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Shelton, Smith of Nevada, Starr, Stevenson, Theller, Walden, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—35.

Noes—Messrs. Bell, Conn, Conness, Gallagher, Gwinn, Halsted, Hammond, Harville, Hawley, Hugg, Hundley, Kungle, O'Connor, Patten, Stone, Swan, and Warner—17.

Mr. Beach made the following report:

Mr. Speaker:—The Committee on Engrossment, to whom was referred Assembly Bill, No. 212, with special instructions, have made the necessary corrections, and report the same back as amended.

BURCH,
Chairman.

SPECIAL ORDER.

Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-one, one thousand eight hundred and fifty-six, the special order of the day—was taken up.

Mr. Gallagher moved the previous question.

Upon which Messrs. Conness, Henry, and Harville demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Curtis, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Halsted, Hammond, Hayes, Henry, Heston, Hundley, Jenkins, Johnson of Sierra, Lamar, Lambert, Lawrence, Lewis, Lovell, Malarin, O'Connor, O'Rear, Pate, Sawyer, Schmidt, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Stevenson, Theller, Walden, Watson, Wescott, Wilson, Yager, and Yancey—44.

Noes—Messrs. Conness, Harville, Kungle, Makins, Patten, Phelps, Stone, Swan, Tilton, Warner, and Williams—11.

Mr. Conness moved to recommit the bill.

Upon which, Messrs. Conness, Beach, and Shannon, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Beach, Bell, Conness, Harville, Hayes, Hundley, Lawrence, Lewis, Lovell, Makins, O'Connor, Patten, Phelps, Shannon, Smith of Nevada, Swan, Tilton, Williams, Yager, and Mr. Speaker—20.

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bowman, Campbell, Crowell, Curtis, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Henry, Heston, Jenkins, Johnson of Sierra, Kungle, Lamar, Lambert, Malarin, O'Rear, Pate, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Theller, Walden, Warner, Watson, Wescott, Wilson, and Yancey—40.

On the indefinite postponement of the bill, Messrs. Conness, Beach, and

Harville demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Beach, Bell, Conness, Hammond, Harville, Hayes, Hundley, Kungle, Laspeyre, Makins, Maxson, O'Connor, Patten, Shannon, Smith of Nevada, Stone, Tilton, Watson, Williams, and Mr. Speaker—20.

NOES—Messrs. Babcock, Bailey of Tuolumne, Bowman, Campbell, Coombs, Crowell, Curtis, Daggett, Dunlap, Ellis, Fairchild Gallagher, Goodman, Gwinn, Halsted, Henry, Heston, Jenkins, Johnson of Sierra, King, Lamar, Lambert, Lawrence, Lewis, Lovell, Malarin, O'Rear, Pate, Phelps, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Swan, Theller, Walden, Warner, Welty, Wescott, Wilson, and Yancey—44.

On the passage of the bill, Messrs. Babcock, Conness, and Theller, demanded the ayes and noes, and the bill was passed by the following vote:

AYES — Messrs. Babcock, Bailey of Tuolumne, Bowman, Campbell, Coombs, Crowell, Curtis, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hayes, Henry, Heston, Jenkins, Johnson of Sierra, King, Lamar, Lambert, Lawrence, Lewis, Lovell, Malarin, O'Rear, Pate, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Theller, Walden, Warner, Welty, Wescott, Wilson, and Yancey—43.

NOES—Messrs. Beach, Bell, Conness, Hammond, Harville, Hundley, Kungle, Laspeyre, Makins, Maxson, O'Connor, Patten, Shannon, Smith of Nevada, Stone, Swan, Tilton, Watson, Williams, and Mr. Speaker—20.

Mr. Hayes gave notice of a reconsideration.

Mr. Lamar moved to suspend the rules for the purpose of reconsidering the vote now.

The Speaker *pro tem.* ruled the motion out of order.

Mr. Lamar appealed.

On the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Conness, Williams, and Hundley, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Beach, Bell, Bowman, Campbell, Dunlap, Ellis, Goodman, Halsted, Hammond, Harville, Heston, Hugg, Hundley, Jenkins, King, Kungle, Lambert, Lawrence, Lewis, Lovell, Makins, Maxson, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Starr, Stone, Swan, Theller, Walden, Warner, Watson, Welty, Williams, and Yancey—43.

NOES—Messrs. Daggett, Gwinn, Henry, Johnson of Sierra, Lamar, Malarin, Wescott, and Wilson—8.

FURTHER SPECIAL ORDER.

Substitute for Assembly Bills, Nos. 96, and 111, An Act in relation to Chinese or Mongolians, working in the Mines of this State, a special order for this day—was made special order for Tuesday, March twenty-seventh, at one o'clock, P. M.

Mr. Johnson of Sierra moved to reconsider the vote by which the House on yesterday indefinitely postponed Senate Bill, No. 133, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

The Speaker *pro tem.* ruled the motion out of order.
Mr. Johnson appealed.
The House sustained the Chair.

INTRODUCTION OF BILLS.

By Mr. Warner, An Act concerning the Payment of Poll-Taxes.
Read first and second times and placed on file.
By Mr. Lovell, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad.
Read first and second times, and referred to the Committee on Corporations.
By Mr. Wescott, An Act to regulate Fees in Office in the County of Yuba.
Read first and second times, and referred to the Yuba Delegation.
By Mr. Covarrubias, An Act to Incorporate the City of Santa Barbara.
Read first and second times and placed on file.
By Mr Kungle, An Act fixing the times at which Representatives in Congress shall be elected.
Read first and second times and placed on file.
At half-past three o'clock, P. M. on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 21, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Quorum present.
The Journal of yesterday was read and approved.
Mr. White had three days leave of absence.
The Speaker announced as the committee, to whom was referred Assembly Bill, No. 336, An Act to authorize the Surveyor-General of the State of California to run out and mark the Boundary Lines between the Territories of the United States and the State of California, Messrs. Hundley, Curtis, Haliday, Harville, Stone, Gallagher, Heston, Conn, McDermit, and White;
Also, Committee on Joint Resolution to make arrangements for the reception of the Japanese, Messrs. Pate and Stevenson.

GENERAL FILE.

Senate Bill, No. 165, An Act authorizing and empowering Hiram Eckert, of Butte County, Guardian of Frank Spencer Eckert, to convey by good and sufficient Deed or Deeds certain Lands in said County—read third third time and passed.
Assembly Bill, No. 278, An Act for the Relief of Joseph Summers and to authorize the Trustees of Benicia to pay him his Claim against the late City of Benicia—rules suspended, considered engrossed, read third time, and passed.
Senate Bill, No. 109, An Act to declare Navigable the Arroyo de San Antonio or Keyes Creek, Marin County—read third time and passed.

Substitute for Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become Dry or Fordable at any season of the year throughout the State—read a third time and passed.

Assembly Bill, No. 159, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," passed April nineteenth, one thousand eight hundred and fifty-nine—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 170, An Act to authorize the formation of Joint Stock Associations for Savings, Deposit, and Discount—considered in Committee of the Whole, reported, and indefinite postponement recommended.

On the motion to indefinitely postpone, Messrs. Hugg, Wescott, and Harville, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Beach, Bell, Bowman, Burson, Campbell, Daggett, Dunlap, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hayes, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, Lewis, Lovell, Makins, O'Connor, Patten, Smith of Nevada, Smith of Sutter, Tilton, Walden, Warner, Welty, and Wilson—33.

Noes—Messrs. Babcock, Bailey of Tuolumne, Conness, Coombs, Crowell, Curtis, Ellis, Hawley, Henry, Heston, Johnson of Sierra, King, Lamar, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Starr, Stone, Swan, Theller, Watson, Wescott, Williams, Yager, and Mr. Speaker—33.

Mr. Bailey of Tuolumne, moved to strike out the enacting clause.

Upon which, Messrs. Bailey of Tuolumne, Warner, and Curtis, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Burson, Campbell, Coombs, Daggett, Dunlap, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, Laspeyre, Lewis, Lovell, Makins, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Stone, Walden, Warner, Welty, Wilson, and Yancey—40.

Noes—Messrs. Babcock, Conness, Crowell, Curtis, Ellis, Hawley, Heston, Johnson of Sierra, Lamar, Malarin, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Starr, Theller, Tilton, Watson, Wescott, Williams, and Mr. Speaker—25.

On motion of Mr. King, the rules were suspended, to take up Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerk of Los Angeles County, and made the special order for to-morrow, March twenty-second, at ten minutes past one o'clock, P. M.

Assembly Bill, No. 213, An Act to provide for Recording Notice of Claims to Private Land Grants in this State—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mine;

Also, Assembly Bill, No. 250, An Act concerning the Office of the Assessor, of Klamath County.

JOHN DAGGETT,
Chairman.

By Mr. Lamar:

Mr. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate Bill, No. 184, An Act making Appropriations for Deficiencies in the Appropriations for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty, report the same to the House, and recommend that the rules be suspended, and the bill passed immediately as amended.

LAMAR,
Chairman.

Senate Bill, No. 184, above reported, considered in Committee of the Whole, reported and recommended—amendment adopted, and bill recommitted to Committee of Ways and Means.

By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Assembly Bill, No. 295, An Act to audit and allow the Claim of Daniel McLaren, have had the same under consideration, and respectfully report the same back, and recommend its passage.

E. A. STEVENSON,
Chairman.

Also, a majority of your committee, report that they have had Assembly Bill, No. 301, An Act to Appropriate Money for the Relief of Destitute Females of San Francisco, under consideration, and respectfully recommend its passage with amendments.

STEVENSON,
J. BABCOCK,
W. A. CONN.

By Mr. Williamson:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 327, An Act amendatory to "An Act defining the Legal Distances from each County Seat, to the Capitol, Lunatic Asylum, and State Prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight, have had the same under consideration, and report the bill back and recommend its passage;

Also, Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State, and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the Surrender of the State Prison

to the State, is reported back with the recommendation that it do not pass.

WILLIAMS,
Chairman.

SPECIAL ORDER.

Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol, in the City of Sacramento—the Special Order of the day, was taken up.

Mr. Welty moved a call of the House, which was sustained.

The following members were absent, vix: Messrs. Bell, Fairchild, Goodman, Halsted, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, King, Laspeyre, Maxson, Smith of Nevada, Swan, Watson, Wilkins, and Yager.

Further proceedings under the call were dispensed with.

Mr. Bailey of Tuolumne, moved to make the whole subject matter the Special Order for Friday next, at ten minutes past ten o'clock, P. M.

Upon which, Messrs. Conness, Shannon, and Rodgers of Tuolumne, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bowman, Burson, Conn, Crowell, Curtis, Daggett, Dunlap, Goodman, Haliday, Hammond, Hayes, Henry, Jenkins, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lawrence, Lewis, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Swan, Theller, Tilton, Walden, Warner, Wescott, Williams, Wilson, Yager, and Yancey—41.

NOES—Messrs. Beach, Campbell, Conness, Coombs, Ellis, Fairchild, Gallagher, Halsted, Harville, Hawley, Howe, Hugg, Hundley, Kungle, Lovell, Makins, O'Connor, Patten, Rodgers of Tuolumne, Shannon, Shelton, Smith of Nevada, Starr, Stevenson, Watson, Welty, and Mr. Speaker—28.

On motion of Mr. Burson, at half-past two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 22, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

On motion of Mr. Williams, Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract and the Surrender of the State Prison to the State, was taken from the file, and made the special order for Wednesday next, March twenty-eighth, at half past one, P. M.

Assembly Bill, No. 298, An Act to confer further Powers upon the Board of Supervisors of the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 240, An Act to define the Limits and Boundaries of the County of Marin—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 182, An Act to amend "An Act to define the Boundaries and provide for the Organization of Mendocino County," approved March eleventh, one thousand eight hundred and fifty-nine—substitute adopted, rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 282, An Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors"—was placed at foot of file.

Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento, by a duplicate issue of certain Bonds of said City—amendments adopted, and ordered engrossed.

Assembly Bill, No. 322, An Act to authorize Daniel Sink and his Associates to construct a Turnpike Road through Russian River Cañon—rules suspended, considered engrossed, read third time, and passed.

Substitute for Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills and other matter"—was read a third time and passed.

The House ordered printed substitute for Assembly Bills, Nos. 243 and 253, An Act to provide for the resale of Public Lands sold by the State on a credit and declared forfeited, by reason of the Non-Payment of Interest or Principal.

Mr. O'Rear made the following report:

Mr. Speaker:—The Committee on Engrossment have examined the following bills and found them correctly engrossed:

Assembly Bill, No. 265, An Act supplemental to an Act passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the Office of Assessor;"

Also, Assembly Bill, No. 313, An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to sell the Real Estate of said deceased at Private Sale.

BEN. T. O'REAR,
For the Committee.

Assembly Bill, No. 286, An Act to abate Public Nuisances.

Mr. Smith of Nevada, moved to make the bill the special order for July first, next.

Upon which, Messrs. Hugg, Crowell, and Lovell, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bell, Burson, Curtis, Goodman, Hayes, Howe, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Laspeyre, Lawrence, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne,

Shannon, Shelton, Smith of Nevada, Stone, Tilton, Walden, and Wescott —24.

Noes—Messrs. Bailey of Tuolumne, Beach, Bowman, Campbell, Conn, Conness, Crowell, Dunlap, Ellis, Fairchild, Gallagher, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Henry, Hugg, Hundley, Jenkins, King, Lewis, Lovell, Makins, Malarin, Maxson, O'Connor, O'Rear, Patten, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Theller, Warner, Watson, Welty, Williams, Wilson, Yager, and Mr. Speaker—45.

And the bill was was recommitted to the Committee on Public Morals.

Assembly Bill, No. 273, An Act to amend "An Act concerning Courts of Justice and Judicial Offices," passed May nineteen, one thousand eight hundred and fifty-three.

On ordering the bill engrossed, Messrs. Hundley, Rogers of San Francisco, and Crowell demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Burson, Curtis, Haliday, Halsted, Howe, Lamar, Maxson, Pate, Rogers of San Francisco, Sawyer, Shattuck, Theller, Tilton, and Walden—15.

Noes—Messrs. Beach, Bell, Bowman, Campbell, Conn, Conness, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Hayes, Henry, Heston, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Laspeyre, Lawrence, Lovell, Makins, Malarin, O'Connor, O'Rear, Patten, Phelps, Rodgers of Tuolumne, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Warner, Watson, Welty, Wescott, Williams, Wilson, and Mr. Speaker—49.

Assembly Bill, No. 232, An Act to regulate Fees of Office in Mariposa County—was read third time and passed.

Mr. Stone, by leave, introduced a bill for An Act to create the County of Marshall, define the Boundaries, and provide for the Organization and Government thereof.

Read first and second times, and referred to the El Dorado Delegation.

The rules were further suspended for the purpose of permitting Mr. Johnson of Amador to introduce a bill for An Act to define the Boundaries of the County of Amador.

Read first and second times, and referred to the delegations from El Dorado and Amador.

Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bond of S. A. McMeans, late State Treasurer—rules suspended, considered engrossed, and read third time.

Upon its passage, Messrs. Stevenson, Crowell, and Swan, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Burson, Campbell, Conness, Dunlap, Ellis, Fairchild, Harville, Henry, Heston, Hundley, Jenkins, Johnson of Sierra, Lovell, Makins, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Stone, Swan, Theller, Tilton, Walden, Warner, Wescott, Williams, Wilson, Yager, and Mr. Speaker—39.

Noes—Messrs. Bailey of Tuolumne, Bowman, Conn, Crowell, Curtis, Goodman, Haliday, Halsted, Hammond, Hawley, Hayes, Howe, Hugg,

King, Kungle, Lamar, Laspeyre, Malarin, O'Connor, Smith of Nevada, Smith of Sutter, Stevenson, and Welty—23.

Assembly Bill, No. 85, An Act to provide for the Disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School Purposes, by Act of Congress passed March three, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the Sales thereof to the credit of the General School Fund.

Mr. Smith of Nevada, moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Coombs, Crowell, Daggett, Dunlap, Harville, Hayes, Hugg, King, Kungle, Lambert, Lawrence, Makins, Swan, Walden, and Watson.

Further proceedings under the call were dispensed with.

Mr. Shannon moved the previous question.

Upon which, Messrs. Laspeyre, Welty, and Williams, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Campbell, Crowell, Curtis, Daggett, Dunlap, Gallagher, Haliday, Hayes, Howe, Hundley, Malarin, O'Connor, Pate, Phelps, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shelton, Stone, Theller, Warner, Watson, Wescott, Wilson, Yancey, and Mr. Speaker—31.

Noes—Messrs. Bell, Burson, Conn, Conness, Ellis, Fairchild, Gwinn, Halsted, Hammond, Harville, Hawley, Henry, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Laspeyre, Lovell, Makins, Maxson, O'Rear, Patten, Rogers of San Francisco, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Welty, Williams, and Yager—34.

Mr. Crowell moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Coombs, Daggett, Malarin, Rodgers of Tuolumne, and Walden.

Further proceedings under the call were dispensed with.

On the passage of the bill, Messrs. Conness, Bailey of Tuolumne, and Hundley, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Burson, Conness, Crowell, Curtis, Dunlap, Gallagher, Haliday, Harville, Hawley, Hayes, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Kungle, Lovell, Makins, Maxson, O'Connor, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shelton, Starr, Stone, Theller, Tilton, Warner, Watson, Wescott, Wilson, Yancey, and Mr. Speaker—44.

Noes—Messrs. Campbell, Conn, Ellis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Henry, Heston, Jenkins, King, Lamar, Laspeyre, Lawrence, O'Rear, Shattuck, Smith of Sutter, Stevenson, Swan, Welty, Williams, and Yager—23.

Mr. Warner gave notice of reconsideration.

Mr. Johnson of Sierra, offered the following resolution:

Resolved, That one hundred dollars be, and the same is hereby appropriated, to pay T. A. Levison for a Caligraphic Diagram of the Assembly Chamber, payable out of the Assembly Contingent Fund; the said Diagram to remain in the Assembly Chamber.

Mr. Conness offered the following substitute:

Resolved, That one hundred dollars be appropriated for the purpose of paying for Photographs of the members of the present Legislature, and that the said Photographs be deposited in the State Library subject to the use of future historians and biographers.

Lost.

On the adoption of the resolution, Messrs. Hugg, Conn, and Lawrence, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Burson, Crowell, Curtis, Gwinn, Halsted, Henry, Johnson of Amador, Johnson of Sierra, Kungle, Sawyer, Shannon, Stone, Swan, Theller, Welty, and Yancey—19.

NOES—Messrs. Babcock, Bowman, Campbell, Conn, Conness, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Haliday, Hammond, Harville, Hawley, Hayes, Heston, Howe, Hugg, Hundley, Jenkins, King, Lamar, Laspeyre, Lawrence, Lovell, Makins, Maxson, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Tilton, Walden, Warner, Watson, Wescott, Williams, Wilson, and Yager—46.

Mr. Burson moved to adjourn.

Upon which, Messrs. Beach, Gwinn, and Williams, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bell, Burson, Conn, Crowell, Haliday, Howe, Hundley, Pate, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Stevenson, Tilton, and Walden—17.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Campbell, Conness, Curtis, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Heston, Hugg, Jenkins, Johnson of Amador, King, Kungle, Lamar, Laspeyre, Lawrence, Lovell, Makins, Maxson, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Shelton, Smith of Sutter, Starr, Stone, Swan, Theller, Warner, Watson, Welty, Wescott, Williams, Wilson, Yager, Yancey, and Mr. Speaker—50.

REPORTS.

Reports were made as follows:

By Mr. Stone:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara.

B. P. HUGG,
Chairman.

By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims, to whose consideration was

referred Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State, respectfully report that this expedition was ordered out by the Governor, under an order dated sixth of September, one thousand eight hundred and fifty-nine, directed to W. S. Jarboe, which said order is made a part of our report. (See paper A.) That accompanying said order of enrollment was a communication from the Governor, addressed to the Chiefs of the Ukiah Tribes, which communication is made a part of this report. (See paper marked B.) That Captain Jarboe proceeded to Eden Valley in Mendocino County, where he mustered into service twenty men accustomed to Indian warfare and frontier life, and armed with rifles. That they were in service from said sixth of September, to the fifth of January, one thousand eight hundred and sixty, at which time the Governor directed their disbandment. (See paper marked C.) That the Quartermaster-General in a communication bearing date February ninth, one thousand eight hundred and sixty, directed to Capt. Jarboe to turn over all stores, etc. belonging to the State to George Henley. (See paper marked D.) That during this campaign Captain Jarboe purchased supplies, as per vouchers, to the amount of five thousand three hundred and fifty-four dollars and forty-four cents, which we have reduced to four thousand two hundred and seventy-two dollars and seventy-two cents, which is deducting from the vouchers the sum of one thousand and eighty-one dollars and seventy-two cents.

Each private furnished his own horse, rifle, and revolver, and their pay, as per exhibit, amounts to five thousand eight hundred and three dollars and fifty cents, which we have reduced seven hundred and twenty-eight dollars and eighty-three cents, leaving it five thousand and seventy-four dollars and sixty-six cents, which is giving the privates fifty-five dollars per month. The whole cost of the expedition, as per vouchers, is eleven thousand one hundred and fifty-seven dollars and ninety-four cents, which we have reduced one thousand eight hundred and ten dollars and fifty-five cents, leaving it nine thousand three hundred and forty-seven dollars and thirty-nine cents.

We, therefore, respectfully recommend the passage of the bill, with the following amendments:

In section one, strike out "eleven thousand one hundred and fifty-seven dollars and ninety-four cents," and insert "nine thousand three hundred and forty-seven dollars and thirty-nine cents."

In section two, strike out, "for privates, each per month, sixty-five dollars," and insert, "for privates, each per month, fifty-five dollars."

E. A. STEVENSON,
S. F. JENKINS,
WM. A. CONN,
A. H. HAWLEY.

Mr. Crowell moved to adjourn.

Lost.

Mr. Stone presented a petition of citizens of El Dorado, for division of county.

Referred to delegation from El Dorado County.

Mr. Conness made the following report:

Mr. SPEAKER:—The El Dorado Delegation report Assembly Bill, No. 173, An Act concerning the Sheriff, Clerk, Recorder, Treasurer, and As-

sessor, of El Dorado County, with a substitute, and recommend the passage of the substitute.

DUNLAP,
CONNESS,
FAIRCHILD,
STONE,
D. C. PATTEN,
JOHN C. BELL,
A. H. HAWLEY,
JAMES H. WATSON.

Substitute for Assembly Bill, No. 173, above reported—adopted, rules suspended, considered engrossed, read a third time and passed.

Mr. Rogers of San Francisco, presented a memorial of the Ladies' Seamen's Friend Society, of the Port of San Francisco.

Placed on file.

Mr. Lamar presented a petition of citizens of Sonoma County, Relative to Liquor Law.

Referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lawrence, An Act to provide for the Compensation of the Keeper of the County Jail in the County of Trinity, and the Payment for such Services from the first day of November, one thousand eight hundred and fifty-eight.

Read first and second times, rules suspended, considered engrossed, read a third time and passed.

By Mr. Maxson, An Act to Change the Name of Richard Baldock to Richard Baldock Loder.

Read first and second times, and referred to the Committee on Names.

By Mr. Heston, An Act to define the time for commencing certain Actions.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heston, An Act to amend an Act entitled "An Act to prevent Stallions from running at large in the County of Sacramento."

Read first and second times, rules suspended, considered engrossed, read a third time and passed.

By Mr. Goodman, An Act to amend the fifth section of "An Act to provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Smith of Nevada, An Act to exempt the Real Estate and Personal Property belonging to the Santa Clara Valley Agricultural Society from Taxation.

Read first and second times, and referred to the Committee on Agriculture.

At a quarter past four o'clock, P. M. on motion of Mr. Stevenson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday March 23, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Henry had one day leave of absence.

RFPORTS.

Reports were made as follows:
By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 252, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma;

Also, Assembly Bill, No. 249, An Act to Legalize an Order of the Board of Supervisors of the County of Santa Cruz, and all proceedings had thereunder and dependant thereon;

Also, Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman for services and expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 191, An Act to change the name of Charles Pearce to Charles Greenwich Howard.

JOHN DAGGETT,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly Bill, No. 159, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," passed April nineteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 213, An Act to provide for Recording Notice of Claims to Private Land Grants in this State;

Also, Assembly Bill, No. 298, An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill, No. 278, An Act for the Relief of Joseph Summers and to authorize the Trustees of Benicia to pay him his Claim against the late City of Benicia.

BEN. T. O'REAR,
For the Committee.

PETITIONS.

Petitions were presented as follows:

By Mr. Shattuck, Of citizens of Alameda County, relative to obstructions in San Antonio Creek;

Also, relative to District Agricultural Societies.

Placed on file.

By Mr. Fairchild, Of citizens of El Dorado County against division of county.

Referred to El Dorado Delegation.

Mr. Lamar, by leave, introduced a bill for An Act making appropriations for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty.

Read first and second times, considered in Committee of the Whole, reported, and passage recommended, rules suspended, considered engrossed, read third time, and passed, rules further suspended, and Clerk directed to report the bill to the Senate.

REPORTS.

Reports were made as follows:

By Mr. Jenkins:

Mr. SPEAKER:—The minority of the Committee on Claims to whom was referred Assembly Bill, No. 301, An Act to appropriate Money for the Relief of the Sisters of Mercy in San Francisco, would most respectfully dissent from the report of the majority; and recommend the indefinite postponement of the bill.

We are induced to do this from the fact that if this appropriation is made, there are other charitable institutions in San Francisco, who could with the same justice ask for an equal appropriation, and if appropriations were made to meet all charitable requests, our treasury would soon be impoverished.

While we deem the object praiseworthy and commendable in the highest degree, we cannot vote to appropriate money from the public treasury for its aggrandizement.

T. F. JENKINS,
A. H. HAWLEY.

By Mr. Babcock:

Mr. SPEAKER:—The Committee on Claims have had Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County, under consideration. We have examined all the papers, and find that the County Auditors of said county neglected to retain the State's portion of the Assessor's allowance, from the year one thousand eight hundred and fifty-three to one thousand eight hundred and fifty-seven, inclusive.

We find from the revenue bill, passed May eighteenth, one thousand eight hundred and fifty-three, section fifty-six, "The amount allowed and paid to the Sheriff, Assessor, and Auditor, shall be apportioned by the County Auditor in proportion to the amount received into the county treasury for State purposes, and charged to the State or county rateably in said proportion, and the Auditor shall forward to the Controller of State a certified statement of the amount so apportioned against the State, and the Controller shall credit the Treasurer therewith." A similar proposition has been engrafted in the other revenue acts since.

The Attorney-General has given an opinion that the allowance should

be made. We also find from examination in the Controller's office, that the Controller has made settlements for similar arrearages. We, therefore, recommend the passage of the bill.

J. BABCOCK,
T. F. JENKINS,
A. H. HAWLEY,
WM. A. CONN.

By Mr. Lamar:

Mr. SPEAKER:—Your committee to whom was referred Senate Bill, No. 180, entitled An Act to provide for the proper Registration and Cancelling of the evidences of Indebtedness, paid prior to the term of the present State Treasurer, have carefully considered the same and recommend its passage.

J. B. LAMAR,
Chairman.

By Mr. Yager:

Mr. SPEAKER:—Your Committee on Education, to whom was referred Assembly Bill, No. 267, An Act to Establish the University of California, would report the same back with amendments, and recommend its passage as amended.

Amend section six, third line, between the words "by" and "different" insert "and person or persons, company or corporations, in any."

Amend section seven, third line, between the words "off" and "and" insert "into lots so much of such land selected as a site for said University as may not be required for the use of the same."

C. YAGER,
Chairman.

By Mr. Warner:

Mr. SPEAKER:—Your committee beg leave to make the following report:

Assembly Bill, No. 274, has received the consideration of your committee, and for the following reasons feel compelled to object to its passage:

The bill is entitled "An Act to encourage the San Joaquin District Agricultural Society," and provides for the appropriation of one thousand dollars "to be used by said society for the sole purpose of holding a fair."

If the financial condition of the State treasury was such as to justify your committee, it would recommend appropriations for the encouragement of agriculture, to be used in the form of premiums to be awarded to meritorious agriculturists; but your committee do not think that at this time the funds of the State will warrant appropriations, even of this nature, to all the district agricultural associations that exist and that might claim the aid of the State.

J. J. WARNER,
Chairman.

Also:

Mr. SPEAKER:—Your committee have considered Assembly Bill, No. 302, An Act to amend an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four, and a majority of your committee report the same back with a substi-

tute for section one and also an additional section, and recommend their adoption and the passage of the bill when so amended.

J. J. WARNER,
Chairman.

Also:

Mr. SPEAKER:—Your committee have had under consideration Assembly Bill, No. 346, An Act to exempt the Real Estate and Personal Property belonging to the Santa Clara Valley Agricultural Society from Taxation, and report the same back for the consideration of this House.

Your committee in examining this bill have been governed by considerations of State policy and economy, which should control the action of the Legislature respecting direct appropriations from the State treasury as well as exemptions from taxation, which is an indirect mode of obtaining money belonging to the State, previous to its payment into the treasury.

The frequent and increasing applications that are made for legislative aid, in the form of appropriations or exemptions of property from taxation to aid societies and associations, is such as to demand the careful consideration of the Legislature.

Your committee feel compelled to object to the passage of the aforesaid bill, notwithstanding their desire to see that most honorable and beneficial branch of industry protected and rewarded by all the means within the legitimate duties of the Legislature.

J. J. WARNER,
Chairman.

By Mr. Sawyer:

Mr. SPEAKER:—The State Prison Committee, to whom was referred the memorial of Daniel Green, have had the same under consideration and beg leave to report:

That in September, one thousand eight hundred and fifty-six, the memorialist entered into a personal contract, in writing, with the late James M. Estell, Lessee of the State prison, by which the memorialist was to enjoy certain privileges and rights at the State prison; that the memorialist took no steps to enter upon the enjoyment of those privileges or enforce those rights until sometime in the year one thousand eight hundred and sixty, about the time the Joint State Prison Committee was appointed and authorized by the Legislature to make some settlement, if practicable, with McCauley, the Sub-Lessee of the prison; he then commenced an action against McCauley in the Fourth District Court, at San Francisco, in which he was defeated, as before that court, the court declaring that McCauley and Tevis were not bound by the contract and not liable to the memorialist for any damages in consequence of its breach. The memorialist then commenced an action in the Judicial Court of the Seventh Judicial District, for the county of Marin, against McCauley and Tevis, claiming possession of the State prison jointly with them. This action was tried last term of the court, and judgment was rendered against memorialist. The court decided that the contract between General Estell and memorialist gave the latter no right whatever to the possession of the State prison or State prison property.

Your committee is of opinion that the contract of the memorialist, submitted to them, gives him no rights whatever either against the State or as against McCauley and Tevis, and if the contract was violated by General Estell, the memorialist must seek redress by an action at law against

the representatives of General Estell to recover the damages he may have sustained. The utmost the memorialist can claim is that he occupies the position of a creditor of the estate of General Estell, and your committee see no reason why the Legislature should undertake to settle this demand rather than the claim of any other creditor of that estate.

SAWYER,
Chairman.

Also:

Mr. SPEAKER—The San Francisco Delegation, to whom was referred Assembly Bill, No. 186, An Act concerning the Offices of Tax Collector and Treasurer, of the City and County of San Francisco, report the same back with amendments, and recommend that it pass as amended.

SAWYER,
For Delegation.

Rules suspended, amendments to Assembly Bill, No. 186, above reported, adopted, and bill ordered engrossed.

By Mr. Gwinn:

Mr. SPEAKER:—The Committee on Swamp and Overflowed Lands, have had under consideration Senate Bill, No. 10, and after carefully considering the same, have instructed me to report the same back to the Assembly, with the recommendation that it be indefinitely postponed.

GWINN,
Chairman.

By Mr. Wescott:

Mr. SPEAKER:—The Yuba Delegation, to whom was referred Assembly Bill, No. 339, An Act to Regulate Fees in Office, in the County of Yuba, have had the same under consideration, and beg leave to report the same back to the House, and unanimously recommend its passage.

WESCOTT,
BEN. T. O'REAR,
C. H. KUNGLE,
BEN. P. HUGG,
J. M. CROWELL.

The rules were suspended, and the Bill, No. 339, above reported—was considered engrossed, read a third time and passed.

Mr. Fairchild rose to a question of privilege.

On suspending the rules for the purpose of enabling him to proceed, Messrs. Smith of Nevada, Harville, and Conn, demanded the ayes and noes, and the rules were suspended by the following vote:

AYES—Messrs. Bell, Bowman, Burson, Campbell, Conness, Crowell, Curtis, Dunlap, Gallagher, Goodman, Haliday, Hawley, Hayes, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Laspeyre, Lovell, Makins, O'Rear, Patten, Sawyer, Schmidt, Shannon, Smith of Sutter, Stevenson, Stone, Swan, Walden, White, Williams, and Wilson—37.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Conn, Daggett, Ellis, Gwinn, Halsted, Hammond, Harville, Heston, Malarin, Maxson, O'Connor, Pate, Phelps, Rogers of San Francisco, Shattuck, Shelton, Smith of Nevada, Starr, Tilton, Warner, and Wescott—24.

Mr. Conness moved to print the usual number of copies of the resolution offered by Mr. Fairchild, on the state of the Union.

Mr. Harville moved a call of the House.

Lost.

Mr. Stevenson moved the previous question, which was sustained.

On the adoption of Mr. Conness' motion, Messrs. Harville, Hugg, and Kungle, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Bell, Burson, Campbell, Conness, Crowell, Daggett, Fairchild, Goodman, Hawley, Hayes, Howe, Jenkins, Johnson of Sierra, King, Laspeyre, Patten, Sawyer, Schmidt, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Theller, Walden, Warner, Yancey, and Mr. Speaker—29.

Noes—Messrs. Beach, Bowman, Conn, Coombs, Curtis, Ellis, Gwinn, Halsted, Hammond, Harville, Henry, Hugg, Kungle, Lamar, Lambert, Lawrence, Makins, Maxson, O'Connor, Pate, Phelps, Rogers of San Francisco, Shelton, Smith of Nevada, Smith of Sutter, Wescott, Williams, and Wilson—28.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Department,
Sacramento, March 21, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Concurrent Resolution, No. 38, Requesting our Representatives at Washington to urge that a liberal allowance be made by the General Government, for the taking of the Census in California.

JOHN G. DOWNEY,
Governor.

State of California, Executive Department,
Sacramento, March 21, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-eight, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 271, An Act to fiix the Time of Holding the County Court, and Court of Sessions, in Sonoma County;

Also, Assembly Bill, No. 215, An Act to Fund the Debt of the County of Sonoma, and provide for the Payment of the Same;

Also, Assembly Bill, No. 116, An Act for the Payment of Expenses Incurred in the Suppression of Indian Hostilities, in certain Counties in this State.

JOHN G. DOWNEY,
Governor.

State of California, Executive Department,
Sacramento, March 22, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Concurrent Resolution, No. 31, Requesting our Representatives in Congress, and Instructing our Senators, to use their best endeavors, at the

proper Department at Washington, to procure an abandonment of the Suit wherein the stoppage of the New Almaden Quicksilver Mine, situated in Santa Clara County, was caused by Injunction, if the same can be done without determining the ultimate right to said Mine.

JOHN G. DOWNEY,
Governor.

Mr. Daggett offered the following resolution, which was adopted:

Resolved, That the Enrolling Clerk be allowed twenty-five dollars per month for the rent of his office, from the commencement of the Session, payable out of the Contingent Fund of the Assembly.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committe on Engrossment have examined the following bill, and found it correctly engrossed:

Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer.

BEN. T. O'REAR,
For the Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, March 20, 1860.

Mr. SPEAKER:—The Senate on yesterday, passed Senate Substitute for Assembly Bill, No. 101, An Act to repeal "An Act to authorize Married Women to transact Business in their own names, as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two;

Also, Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Substitute for Assembly Bill, No. 101, above reported—read first and second time, and placed on file.

SENATE CHAMBER,
Thursday, March 22, 1860.

Mr. SPEAKER:—The Senate on yesterday, adopted Assembly Concurrent Resolution, No. 61, Relative to appointment of Joint Committee, to take measures to receive the Japanese Embassy, and have appointed Messrs. Watsonand Dickinson, as such committee, on part of the Senate.

D. J. WILLIAMSON,
Ass't Secretary of Senate.

SENATE CHAMBER,
Friday, March 23, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 237, An Act to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco, to provide

for the actual and prospective Deficiency in the Corporation Debt Fund, of said City and County, for the Fiscal Year one thousand eight hundred and fifty-nine, and one thousand eight hundred and sixty.

D. J. WILLIAMSON,
Ass't Secretary of Senate.

Senate Bill, No. 237, above reported—read first and second times, rules suspended, read a third time and passed.

SENATE CHAMBER,
Friday, March 23, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that amount allowed by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties, for the year one thousand eight hundred and sixty, and the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads, over the Sierra Nevada.

D. J. WILLIAMSON,
Ass't Secretary of Senate.

Senate Bill, No. 141, above reported—read first and second times, referred to the Committee on Internal Improvements, and ordered printed.

SPECIAL ORDER.

Assembly Bill, No. 87, An Act to repeal "An Act to provide for the Permanent Location of the Seat of Government, of the State of California, at Sacramento City," passed February twenty-fifth, one thousand eight hundred and fifty-four, and to fix the same at the City and County of San Francisco.

Mr. Lovell moved to lay the bill upon the table.

Upon which, Messrs. Theller, Babcock, and Schmidt, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Hawley, Hundley, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovell, McDermit, O'Connor, Patten, Shannon, Starr, Stevenson, Stone, Swan, Watson, Welty, White, Yancey, and Mr. Speaker—35.

NOES—Messrs. Babcock, Burson, Conn, Crowell, Curtis, Daggett, Haliday, Halstead, Harville, Hayes, Henry, Hugg, Jenkins, Lamar, Laspeyre, Makins, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Theller, Tilton, Warner, Williams, Wilson, and Yager—33.

Substitute for Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol, in the City of Sacramento, also special—was taken up.

Mr. Theller moved to lay the substitute on the table.

Upon which, Messrs. Conn, Lamar, and Crowell, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Burson, Campbell, Conn, Crowell, Curtis, Daggett, Haliday, Halsted, Hayes, Henry, Howe, Jenkins, Johnson of Sierra, Kungle, Lamar, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Theller, Tilton, Walden, Williams, and Yager—29.

Noes—Messrs Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Hugg, Hundley, Johnson of Amador, Lambert, Laspeyre, Lawrence, Lovell, Makins, McDermit, O'Connor, O'Rear, Patten, Shannon, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Watson, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—41.

On the adoption of the substitute, Messrs. Bailey of Tuolumne, Sawyer, and Shattuck demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Burson, Conn, Crowell, Curtis, Daggett, Haliday, Halsted, Hayes, Henry, Howe, Jenkins, Johnson of Sierra, Kungle, Lamar, Laspeyre, Makins, Malarin, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Swan, Theller, Tilton, Walden, Wilson, Yager, and Mr. Speaker—33.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Hugg, Hundley, Johnson of Amador, Lambert, Lawrence, Lovell, Makins, McDermit, O'Connor, Patten, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Warner, Watson, Welty, Wescott, White, Williams, and Yancey—39.

Mr. Welty offered a substitute for Assembly Bill, No. 224.

Mr. Laspeyre moved to make the further consideration of the substitute the special order for Monday next, at ten minutes past one, P. M.

Lost.

Mr. Lamar moved to make the substitute the special order for Friday next, March thirtieth, at ten minutes past 1 o'clock, P. M.

Upon which, Messrs. Lamar, Babcock, and Swan, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Babcock, Burson, Conn, Crowell, Curtis, Daggett, Haliday, Halsted, Hammond, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Malarin, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Swan, Theller, Tilton, Walden, Wescott, Wilson, and Yager—30.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Harville, Hawley, Hayes, Hugg, Hundley, King, Lambert, Laspeyre, Lawrence, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Warner, Watson, Welty, White, Williams, Yancey, and Mr. Speaker—42.

And the substitute was adopted.

Mr. Maxson moved additional sections providing for the removal of the Supreme Court to San Francisco.

Ruled out of order.

Mr. Maxson appealed, and the Chair was sustained.

Mr. Williams offered the following amendment:

Strike out of the first section all that relates to the ground upon which the capitol buildings are required to be located, and insert as follows: "Upon such land in the city of Sacramento as shall be donated by the authorities of said city as a site for the capitol buildings."

Upon its adoption, Messrs. Theller, Lamar, and Maxson, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Burson, Campbell, Conn, Crowell, Curtis, Daggett, Haliday, Halsted, Henry, Howe, Jenkins, Lamar, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Theller, Tilton, Walden, Williams, and Yager—25.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Coombs, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwin, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lovell, Makins, McDermit, O'Connor, O'Rear, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Watson, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—47.

Mr. Williams offered the following amendment:

Strike out of section first all that part which relates to the ground upon which the capitol buildings are required to be located, and insert as follows: "On Washington Square, in the city of San José."

On its adoption, Messrs. Williams, Lamar, and Maxson, demanded the ayes and noes, with the following result:

Ayes—Messrs. Babcock, Burson, Conn, Coombs, Crowell, Curtis, Daggett, Haliday, Halsted, Henry, Howe, Jenkins, Lamar, Laspeyre, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Swan, Theller, Tilton, Walden, Williams, and Yager—29.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lawrence, Lovell, Makins, McDermit, O'Connor, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Warner, Watson, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—42.

On ordering the bill engrossed, Messrs. Hundly, Rogers of San Francisco, and Theller, demanded the ayes and noes, and the bill was ordered engrossed by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Crowell, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Harville, Hawley, Hayes, Hugg, Hundley, Johnson of Sierra, King, Lambert, Laspeyre, Lawrence, Lovell, Makins, McDermit, O'Connor, O'Rear, Patten, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Watson, Welty, Wescott, White, Williams, Wilson, Yager, Yancey, and Mr. Speaker—48.

Noes—Messrs. Babcock, Burson, Conn, Curtis, Daggett, Haliday, Hammond, Henry, Howe, Jenkins, Kungle, Lamar, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Theller, Tilton, and Walden—23.

At half past three o'clock, P. M. on motion of Mr. Tilton, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 24, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Messrs. Coombs and Warner had leave of absence, for two days each.
Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bill, and find it correctly engrossed:

Substitute for Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento.

O'REAR,
For the Committee.

GENERAL FILE.

Mr. Conness moved to suspend the rules, to consider substitute for Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento.

Upon which, Messrs. Howe, Tilton, and Theller, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Crowell, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lambert, Lawrence, Lovell, Makins, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Sawyer, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Watson, Welty, White, Williams, and Mr. Speaker—46.

NOES—Messrs. Babcock, Burson, Conn, Daggett, Haliday, Henry, Heston, Howe, Jenkins, Laspeyre, Maxson, Pate, Phelps, Rogers of San Francisco, Schmidt, Shattuck, Swan, Theller, Tilton, Walden, and Wilson—21.

So the bill was taken up, and read a third time.

On its passage, Messrs. Burson, Theller, and Howe, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Burson, Campbell, Conness, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Hayes, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lawrence, Lovell, Makins, McDermit, O'Connor, Patten, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Watson, Welty, Wescott, White, Williams, Wilson, Yancey, and Mr. Speaker—46.

Noes—Messrs. Babcock, Conn, Crowell, Curtis, Daggett, Haliday, Halsted, Henry, Heston, Howe, Jenkins, Lamar, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Swan, Theller, Tilton, and Walden—24.

Mr. Burson gave notice of reconsideration.

Mr. Shannon moved to suspend the rules, to reconsider the vote just taken.

Upon which, Messrs. Daggett, Burson, and Tilton, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hawley, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovell, Makins, McDermit, O'Connor, O'Rear, Patten, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stone, Watson, Welty, Wescott, White, Williams, Wilson, Yancey, and Mr. Speaker—43.

Noes—Messrs. Babcock, Burson, Crowell, Curtis, Daggett, Haliday, Hayes, Henry, Howe, Jenkins, Lamar, Laspeyre, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Stevenson, Swan, Theller, Tilton, and Walden—26.

Mr. Patten offered the following resolution:

Resolved, That the El Dorado Delegation are hereby instructed to return to the House immediately Assembly Bill, No. 344, An Act for the Creation of the County of Marshal.

Adopted.

The bill was reported, and referred to Committee on Counties and County Boundaries.

Substitute for Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County—was read third time and passed.

Assembly Bill, No. 205, An Act amendatory of, and supplementary to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several acts amendatory thereof—was made the special order for March twenty-sixth, at ten minutes past one o'clock, P. M.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

Senate Chamber,
Thursday, March 22, 1860.

Mr. Speaker:—The Senate this day passed Senate Bill, No. 235, An Act to Incorporate the Town of Auburn.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 235, above reported—was read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Wednesday, March 21, 1860.

Mr. SPEAKER:—The Senate on Monday, March twenty-first, concurred in Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mine;

Also, passed Senate Bill, No. 229, An Act to authorize the Sale of certain Real Estate by Guardians;

Also, Senate Bill, No. 217, An Act to Regulate the Compensation of the County Surveyors of Napa and Sonoma Counties;

Also, Senate Substitute for Assembly Bill, No. 194, An Act to authorize the Board of Supervisors of Sierra County to audit the Claim of Moses Haynes for Services rendered in arresting a Fugitive from Justice;

Also, Senate Bill, No. 228, An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar;

Also, Senate Bill, No. 69, An Act to amend an Act entitled "An Act to provide for the issuance of Patents to Lands located with State School Land Warrants and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight," approved April sixteenth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 159, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty;

Also, have indefinitely postponed Assembly Bill, No. 24, An Act to Regulate the Fees of Witnesses in Criminal Cases.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 69 and 229, above reported—were read first and second times and referred to the Judiciary Committee.

Senate Bill, No. 159, above reported—was read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 217, above reported—was read first and second times and referred to the Sonoma and Napa delegations.

Senate Bill, No. 227, above reported—was read first and second times, rules suspended, amended, read third time, and passed.

Senate Bill, No. 228, above reported—was read first and second times and referred to the Committee on Commerce and Navigation.

SENATE CHAMBER,
Saturday, March 24, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 351, An Act making Appropriations for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, A. D. one thousand eight hundred and sixty;

Also, Assembly Bill, No. 313, An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to sell the Real Estate of said deceased at Private Sale, with an amendment to the title;

Also, passed Senate Bill, No. 170, An Act for the Relief of J. C. Hays, late Sheriff of San Francisco County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 170, above reported—read first and second time, rules suspended, read third time, and passed.

The House concurred in Senate amendments to Assembly Bill, No. 313, above reported.

REPORTS.

Reports were made as follows:

By Mr. Sawyer:

Mr. SPEAKER:—A majority of the San Francisco Delegation, to whom was referred Senate Bill, No. 86, entitled An Act to Ratify and Confirm Order Number One Hundred and Seventy-Two, of the Board of Supervisors of the City and County of San Francisco, have had the same under consideration, and beg leave to report the same back, and recommend the passage of the same.

F. A. SAWYER.
L. BABCOCK,
B. T. PATE,
S. S. TILTON,
A. PHELPS.

By Mr. Rogers, of San Francisco:

Mr. SPEAKER:—The undersigned, a minority of the San Francisco Delegation, to whom was referred Senate Bill, No. 86, An Act to Ratify and Confirm Order Number One Hundred and Seventy-Two, of the Board of Supervisors of the City and County of San Francisco, beg leave to make the following minority report:

A corporation under the name of "The San Francisco Water Works," was organized for the purpose of supplying the citizens of San Francisco with fresh water, and to carry out this purpose the Board of Supervisors of said city granted to said company the privilege of laying water pipes through the streets of the city. In consideration of this privilege, the company agreed that at the expiration of twenty years from the passage of the order, "The Water Works, with all the dams, flumes, aqueducts, pipes, buildings, engines, reservoirs, and appurtenances, and the revenues arising therefrom, shall absolutely, and without any condition, revert to the city and county of San Francisco," *provided*, that the company should have the privilege of levying a tax for the use of the water, not less than twenty-four per cent. per year for the first five years, and not less than twenty per cent. per annum for the remaining fifteen years.

The capital invested by the company would by this arrangement be returned during the first five years, without reference to the amount originally invested, leaving the revenue of the company for the remaining fifteen years a clear profit.

At the time this contract was entered into, the company was perfectly satisfied, knowing full well that the remuneration would amply repay any outlay, and yield an immense profit. This franchise, under the order referred to, exceeded in importance any ever granted by the city, and promised greater returns in proportion to the amount originally invested. But this company desiring to invest itself with a franchise, amounting to a perpetual monopoly, succeeded in having passed by the Board of Supervisors of said city, the ordinance which they now ask this Legislature to ratify.

By this ordinance, that part of the former ordinance providing for the reversion of the works to the city, at the expiration of twenty years, together with this limitation, was amended. Ordinance Number One Hundred and Seventy-Two still provided the receipt of twenty per cent. per

annum for the first five years, and twenty per cent. per annum for the remaining fifteen years, and after that period, to be reduced one per cent. each year, for an indefinite term. In consideration thereof, the company agreed to pay to the city five per cent. of the gross receipts. By the ordinance it is provided that the city may have the privilege of buying out the said water-works, and "all revenues arising therefrom."

The undersigned deem that this does not merely mean the purchase of the works, together with their appurtenances, but embraces the franchise itself, thus making it almost an impossibility for the city ever to complete the purchase.

It is unnecessary to refer to the fact of a city like San Francisco, involved in debt, contending with a company controlling a revenue of millions per annum; or of the possibility of the city ever being able to complete the purchase, requiring millions of money therefor.

This company at first, were perfectly satisfied that they should have all their works, with the revenue arising therefrom, at the expiration of twenty years, free of all cost and charge; but now they seek an unlimited franchise, and for its purchase require the city to pay at their own prices.

The undersigned are opposed to the grant of a franchise of this character, without a limitation of time, when the works shall revert to the city, free of all cost and charge. Although this franchise which the company now ask, is not apparently a monopoly, yet in effect, it is undoubtedly so. There is no desire on the part of the undersigned to deprive this company of a just and ample remuneration for their capital and enterprise; but on the contrary, they wish that they should be handsomely remunerated; but they deem that this will be effected under the provisions of the ordinance originally passed by the Board of Supervisors, or by incorporating in Ordinance Number One Hundred and Seventy-Two, a limit of twenty-five years, at which time the works of said company, with all their appurtenances and the revenues arising therefrom, shall revert to the city, free of cost and charge.

The undersigned, therefore, recommend that the bill do not pass.

DANIEL ROGERS,
JOHN C. SCHMIDT,
SAML. L. THELLER.

Senate Bill, No. 193, An Act to authorize the Collection of certain Taxes within this State—read third time and passed.

By Mr. Hugg:

Mr. SPEAKER:—The Enrolling Committee have examined, and found correctly enrolled, Assembly Bill, No. 351, An Act making Appropriation for Deficiencies for the Eleventh Fiscal Year, ending thirtieth day of June, A. D. one thousand eight hundred and sixty.

B. P. HUGG,
Chaiman.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee, have examined copying done on account of Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Appendix	420	15 cts.	$63 00
Appendix, New	584	15	87 60
For Printer	1,574	10	157 40
Totals	2,578	.....	$308 00

C. McDERMIT,
Chairman.

Adopted.

Also, the following resolution:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of Three Hundred and Eight Dollars, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.

INTRODUCTION OF BILLS.

Mr. Williams, by leave, introduced the following bills—which were read first and second times, made the Special Order for Wednesday next, at half past one o'clock, and ordered printed:

An Act to provide for the Payment of the Expenses of the State Prison;

Also, An Act to provide for making Compensation to John F. McCauley for his Personal Property, taken and appropriated to public use;

Also, An Act to authorize John F. McCauley, and Lloyd Tevis, to Sue the State of California.

By Mr. Gwinn, An Act to authorize the Guardian of certain Minors, to Sell their Real Estate.

Read first and second times, rules suspended, considered engrossed, read a third time and passed.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment, have examined the following bills, and find them correctly engrossed.

Assembly Bill, No. 240, An Act to Define the Limits and Boundaries of the County of Marin;

Also, Assembly Bill, No. 350, An Act to provide for the Compensation of the County Jailer, in the County of Trinity, and the Payment of such Services, from the first day of November one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 349, An Act to amend an Act entitled "An Act to prevent Stallions from Running at Large, in the County of Sacramento;

Also, Substitute for Assembly Bill, No. 182, An Act amendatory of "An Act to define the Boundaries, and provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 322, An Act to authorize Daniel Sink and his Associates, to construct a Turnpike Road, through Russian River Cañon.

BEN. T. O'REAR,
For the Committee.

Assembly Bill, No. 195, An Act to grant to certain Parties the right of laying a Railroad Track, along certain Streets within the City of Sacramento—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 296, substitute for Assembly Bills, Nos. 239 and 2, An Act to Change the Names of Persons therein named—adopted, rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora, to Levy a Special Tax, for the benefit of the Fire Department—amendments adopted, rules suspended, considered engrossed, read third time and passed.

Mr. O'Rear moved to adjourn.

Lost.

Mr. Sawyer introduced a bill for An Act to provide for the Pay of Troops, called out by the Governor of this State, to quell Insurrection in the year one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Committee on Claims.

Mr. Shattuck offered a Concurrent Resolution, Relative to Leave of Absence to John W. Carrich, Treasurer of Alameda County.

Adopted.

Assembly Bill, No. 231, An Act appropriating Moneys for the Benefit of the Home for the care of the Inebriate, in the City and County of San Francisco—was made the Special Order for Thursday, March twenty-ninth, at half past two o'clock.

Mr. Henry introduced a Concurrent Resolution, Relative to Pay of T. R. Eldredge, State Spanish Translator.

Referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burson, An Act to provide for the care of Inebriates.

Read first and second times, and made the Special Order for March twenty-ninth, at half past two o'clock.

By Mr. Phelps, An Act to provide for a Survey of the Harbor of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Laspeyre, An Act to Incorporate District Agricultural Societies, and to repeal "An Act to Incorporate the State Agricultural Society," passed May thirteenth, one thousand eight hundred and fifty-four.

Read first and second times, and referred to a Select Committee of seven.

By Mr. Curtis, An Act to extend the Time for collecting Taxes in the County of Nevada.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Harville, An Act to provide for the Payment of Bounties for the destruction of Wild Animals.

Read first and second times, and referred to the Committee on Agriculture.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 24, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 250, An Act concerning the Office of Assessor of Klamath County;

Also, Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara;

Also, Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 191, An Act to change the Name of Charles Pearce to Charles Greenwich Howard;

Also, Assembly Bill, No. 252, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma;

Also, Assembly Bill, No. 292, An Act to fix the Times of holding the District Court of the Third Judicial District;

Also, Assembly Bill, No. 129, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make the same applicable in so far as the Counties of Trinity and Butte are concerned;

Also, Concurrent Resolution, No. 58, Instructing our Senators, and requesting our Representatives, to urge upon Congress the passage of a Law establishing a Mail Route connecting with the Central Overland Mail from Carson City, in the Territory of Utah, to Nevada City; thence to the town of Auburn, in the county of Placer; thence to Folsom; and from thence to Sacramento City, passing over the Sierra Nevada, through the Henness Pass, with Mail Routes diverging therefrom.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 24th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 351, An Act making appropriations for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, A. D. one thousand eight hundred and sixty.

JOHN G. DOWNEY
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 24, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 240, An Act to authorize Jeremiah H. Hollensead to convey certain Real Estate;

Also, on yesterday, passed Senate Bill, No. 58, An Act to provide for the Construction of Capitol Buildings in the City of Sacramento and for

the permanent location of the Supreme Court at the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 58, above reported—read first and second times, and referred to Committee on Public Buildings and Grounds.

Senate Bill, No. 240, above reported—read first and second times, and referred to the Judiciary Committee.

Mr. Sawyer introduced a bill for An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

SPECIAL ORDER.

Assembly Bill, No. 230, An Act in relation to the Indians, special order of the day—was continued until March thirtieth, at two o'clock.

Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerk of Los Angeles County—was taken up.

Mr. Burson moved the previous question, which was sustained, and the substitute adopted, rules suspended, considered engrossed, and read third time.

Mr. Warner moved to recommit to a Select Committee, with special instructions to insert the bill reported by him.

Lost.

Mr. Dunlap moved the previous question.

Sustained.

On the passage of the bill, Messrs. Gallagher, Warner, and Williams, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bowman, Burson, Conness, Curtis, Dunlap, Ellis, Gallagher, Hammond, Hawley, Hayes, Henry, Heston, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lovell, Maxson, O'Rear, Pate, Sawyer, Schmidt, Shattuck, Shelton, Smith of Sutter, Starr, Walden, Warner, Watson, Welty, Wescott, Williams, Wilson, and Mr. Speaker—39.

NOES—Messrs. Fairchild, Haliday, Harville, Howe, Lamar, Makins, McDermit, O'Connor, Patten, Smith of Nevada, Stone Swan, and White—13.

At three o'clock, P. M. on motion of Mr. Williams, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 26, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted as follows:

Mr. Shannon, for one week; Mr. Campbell, for three days; Mr. Wescott, for two days; Messrs. Yager, Beach, Phelps, Rogers of San Francisco, and Tilton, for one day each, and Mr. Walden, indefinite leave.

The Speaker announced as the Committee on Agricultural District Societies, Messrs. Laspeyre, Shattuck, Lamar, Henry, Lovell, Smith of Sutter, and Burson.

Mr. Conness moved to reconsider the vote by which the House on Saturday passed Assembly Bill, No 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento.

Mr. Gwinn moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Warner moved to reconsider the vote by which the House on Saturday last passed substitute for Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerk of Los Angeles County.

Motion ruled out of order.

Mr. Warner appealed, and the House sustained the Chair.

GENERAL FILE.

Assembly Bill, No. 217, An Act supplementary to "An Act for the Formation of Corporations for certain Purposes," approved April fourteenth, one thousand eight hundred and fifty-three—was read third time and passed.

Assembly Bill, No. 169, An Act to authorize the Construction of Wagon Roads in the Mountains within the State of California by Joint Stock Companies—was indefinitely postponed.

Assembly Bill, No. 280, An Act to amend an Act entitled "An Act concerning the Office of Surveyor-General,"—was ordered engrossed.

Senate Bill, No. 122, An Act authorizing certain Parties to construct a Wharf on Petaluma Creek, in Sonoma County—was read a third time and passed.

Senate Bill, No. 95, An Act for Opening and Repairing Roads in the County of Sutter—amendments adopted, read a third time and passed, and title amended.

Senate Bill, No. 5, An Act to amend "An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five—was considered in Committee of the Whole, reported with amendments, and passage recommended.

Amendments adopted.

On motion of Mr. Hayes, the enacting clause was stricken out.

Mr. O'Rear made the following report:

Mr. Speaker:—The Committe on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento by a Duplicate Issue of certain Bonds of said City;

Also, substitute for Assembly Bill, No. 173, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their Compensation, for the County of El Dorado;

Also, Assembly Bill, No. 68, An Act concerning the Organization of the Militia.

BEN. T. O'REAR,
For the Committee.

SPECIAL ORDER.

Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations, for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-six, and of the several Acts amendatory thereof, special order of the day—was taken up.

Mr. Crowell moved a call of the House.

Sustained.

The following members were absent:

Messrs. Bailey of Tuolumne, Daggett, Dunlap, Haliday, Harville, Hawley, Howe, King, Laspeyre, Lawrence, McDermit, Patten, Shelton, Smith of Nevada, Stone, Warner, White, Williams, and Yancey.

On motion of Mr. Lambert, further proceedings under the call were dispensed with.

Amendments of committee to the bill, were adopted.

Mr. Johnson of Sierra offered a substitute for the bill, which the House refused to adopt.

The bill was further amended and ordered engrossed.

Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State, further special order—was considered in Committee of the Whole, amendments of Standing Committee adopted, reported and recommended as amended, and ordered engrossed.

Mr. Shattuck presented a petition of citizens of Alameda County, Relative to Obstructions in San Antonio Creek.

Referred to Commerce and Navigation.

At half-past three o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 27, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Makins, Warner, and the Sacramento Delegation, had one day leave each.

REPORTS.

Reports were made as follows:

By Mr. Lamar.

Mr. SPEAKER:—The Committee on Ways and Means, to whom was re-

ferred Senate Bill, No. 120, entitled An Act amendatory of an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved May fifth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five, have carefully examined the same, and a majority respectfully recommend its indefinite postponement;

Also, Senate Bill, No. 184, entitled An Act making appropriations for Deficiencies in appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty, and for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty-one, have carefully examined the same, and report as a substitute, the following:

J. B. LAMAR,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report that they are correctly engrossed:

Substitute for Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerk of Los Angeles and San Diego Counties;

Also, Assembly Bill, No. 186, An Act concerning the Offices of Tax Collector, Auditor, and Treasurer, of the City and County of San Francisco;

Also, Assembly Bill, No. 195, An Act to grant to certain Parties the right of laying a Railroad Track along certain Streets within the City of Sacramento;

Also, Assembly Bill, No. 356, An Act to extend the time for Collecting Taxes in the County of Nevada;

Also, Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora to levy a Special Tax for the Benefit of the Fire Department.

BEN. T. O'REAR,
For the Committee.

By Mr. Howe:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 313, An Act to define the Boundaries and provide for the Organization of Lake County, have considered the same, and from the information before the committee, the amount of taxable property in the proposed new county is not sufficient to support a county government; also, that the population is too sparse to admit of such a step at this time. We therefore most respectfully report the bill back to the House, with a recommendation that it do not pass.

ROBERT HOWE,
Chairman.
M. P. O'CONNOR,
JNO. H. BOWMAN,
CHAS. McDERMIT,
P. O. HUNDLEY,
J. J. WARNER,
JAS. H. WATSON.

By Mr. Bell:

Mr. SPEAKER:—The undersigned committee, to whom was referred

Assembly Bill, No. 119, entitled An Act appropriating Money for the Construction of a Wagon Road, would respectfully beg leave to report back the same, and recommend its passage.

Your committee would represent that they have carefully examined the subject and are firmly of the opinion that but few if any measures, to which the consideration of this House will be directed during the present session, are of more importance than the one contemplated in the passage of this bill.

The benefits accruing from an easy and convenient passage across the Sierra Nevada Mountains, are too apparent to need any argument at the hands of your committee in their behalf.

The requirements of our people, in this particular, the advancement of the interest of the State, presented the utility and practical necessity of a wagon road across these mountains at quite an early period of our existence as a State. The Legislature of one thousand eight hundred and fifty-five passed an act to provide for the survey and construction of such a road, appropriating and authorizing the issuance of State bonds to the amount of one hundred thousand dollars. The survey contemplated in that act was made, the road located by the Hon. S. T. Day, (being the same this bill proposes to complete), but in consequence of a decision of the Supreme Court, touching the legality of the then existing liabilities of the State, there was no further proceedings had under the law.

In one thousand eight hundred and fifty-seven, an act was passed, submitting the proposition to appropriate money for the construction of the road, which had been surveyed as before referred to, levying a tax in Sacramento and El Dorado counties, to the amount of twenty-five thousand dollars in each county, the people of those counties voted for the appropriation.

In one thousand eight hundred and fifty-eight, the Legislature made the necessary provisions for the levy and collection of the tax, which was collected and expended on the improvement and construction of said road.

The citizens of Sacramento and El Dorado counties, have, in addition to the levy of twenty-five thousand dollars in each county, as your committee is informed, from time to time, expended large sums of money in aid of, and for the improvement of, the road. El Dorado County did on one occasion donate one thousand dollars in aid of said road, and the citizens of Sacramento, in conjunction with those of El Dorodo County, by subscription, raised money and expended the same in one thousand eight hundred and fifty-seven, on said road.

Taking into consideration the above recited facts, the amount of money already expended by the two counties named, the accomplishment of so desirable an object, as having our State more closely connected with the valleys in the adjoining territory, (more especially since the recent discoveries made in those valleys, of vast fields of mineral wealth), by which we may have an easy and speedy communication, recommends, in the opinion of your committee, the passage of this bill.

El Dorado and Sacramento counties, it may be said, are more immediately interested than any other portion of the State. For the sake of the argumnet admit that such is the fact, yet your committee is unable to discover anything in that proposition which should be assigned as a reason why this bill should not pass; Sacramento and El Dorado counties have already expended means over and above their corresponding advantage arising from the locality of the road. The road is designed as a State road, and the State should aid in its construction, more especially

since the citizens of two counties have contributed of their own means so largely, towards the consummation of so desirable an object, and one, too, that must extend its benefits to the whole community.

JOHN C. BELL,
L. C. GOODMAN.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined copying on account of Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal	536	15 cts.	$80 40
For Printer, etc	2,513	10	251 30
Total	3,049		$331 70

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and thirty-one dollars and seventy cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.

Mr. White moved to reconsider the vote by which the House on yesterday struck out the enacting clause from Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.

Upon which, Messrs. Hayes, Burson, and Conness, demanded the ayes and noes, and the vote was reconsidered as follows:

AYES—Messrs. Babcock, Bailey of Santa Clara, Beach, Bowman, Conn, Crowell, Daggett, Ellis, Goodman, Haliday, Harville, Hawley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lambert, Lawrence, Lovell, Malarin, Maxson, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Tilton, Watson, White, Wilkins, Williams, Wilson, Yager, and Yancey—46.

NOES—Messrs. Bell, Burson, Campbell, Conness, Curtis, Dunlap, Fairchild, Halsted, Hammond, Hayes, Henry, Heston, Howe, Hundley, Johnson of Amador, O'Connor, and Mr. Speaker—17.

The bill was further amended by adding to the twenty-eighth section the words "Humboldt, Sonoma, Monterey."

On its passage, Messrs. Conness, Hundley, and Burson, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Beach, Burson, Camp-

bell, Conn, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Hammond, Harville, Hawley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lawrence, Malarin, Maxson, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stone, Swan, Theller, Tilton, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, and Yager—50.

Noes—Messrs. Bell, Conness, Curtis, Gallagher, Halsted, Hayes, Heston, Hundley, Lamar, O'Connor, Smith of Nevada, and Mr. Speaker—12.

Mr. Dunlap offered a resolution in relation to the pay of Porters and Paper-Folder.

Referred to Committee on Accounts and Expenditures.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 26, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 246, An Act making an Appropriation for deficiency in the Appropriation made for Salary of Controller of State for the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty;

Also, have concurred in Assembly Concurrent Resolution, No. 62, Relative to Leave of Absence to Treasurer of Alameda County;

Also, on Saturday, March twenty-fourth, passed Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
March 26, 1860.

Mr. SPEAKER:—The Senate, on Saturday, March twenty-fourth, passed Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 190, above reported, read first and second times, and referred to the Committee on Internal Improvements.

Senate Bill, No. 246, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 140, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Mr. Kungle introduced a resolution relative to the adjournment of the Legislature *sine die.*

Laid on the table.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. McDermit, An Act to authorize the Issuance of Bonds for Services rendered and Supplies furnished Expeditions against the Indians in certain Counties of this State.

By Mr. King, An Act to legalize the Duplicate Assessment Roll of Los Angeles County;

Also, An Act authorizing the Board of Supervisors of Los Angeles County to levy a Special Tax for Building purposes.

By Mr. White, An Act authorizing Shasta County to retain Fifteen Thousand Dollars of the State Revenue for the Year one thousand eight hundred and sixty-one for certain purposes.

On motion of Mr. Welty, the Engrossing Clerk was authorized to correct errors in Assembly Bill, No. ——.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lamar, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act restricting the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin,'" approved April fifteen, one thousand eight hundred and fifty-eight, approved March sixteen, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Shattuck, An Act to provide for the Opening of a Channel across the Bar at the mouth of the San Antonio Creek.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Williams, An Act to authorize the Administratar of the Estate of Charles White, deceased, to sell and convey Real Estate.

Read first and second times, rules suspended, considered engrossed, read third time, and passed;

Also, An Act to authorize the Treasurers of certain Counties of this State to retain one-half of the State's portion of the Taxes collected in those Counties for purposes of Internal Improvements.

Read first time.

By Mr. Sawyer, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act concerning the Salary of the Judge of the Twelfth District Court.

Read first and second times, and placed on file;

Also, An Act concerning Aliens.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act for the election of Justices of the Peace in and for the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation;

Also, An Act concerning Primary Elections.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rogers of San Francisco, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteen, one thousand eight hundred and sixty.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Burson, An Act to grant the Right to Construct a Bridge across Middle Eel River, Mendocino County, at or near the crossing of the Weaverville Trail, to certain parties therein named.

Read first and second times, and placed on file.

By Mr. Goodman, An Act to Exempt certain classes of Persons from paying Tolls on Bridges, Roads, and Ferries, in this State.

Read first and second times, and placed on file.

By Mr. Johnson of Amador, An Act to further define the Jurisdiction of Justices of the Peace.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act to amend "An Act of April twenty-eight, one thousand eight hundred and fifty-five, concerning Public Ferries and Toll-Bridges," and all acts amendatory of, and supplementary thereto.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Tilton, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seven, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Lamar, An Act to authorize the Tax Collector of Mendocino County to receive County Warrants after the date of the approval of this Act, in payment of County Taxes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. King, An Act concerning the Infant Heirs of Bernardo Yarba, deceased.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act appropriating Money for the relief of the Roman Catholic Orphan Asylum of Los Angeles.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Welty, An Act concerning Goats found running at large in the County of Sacramento.

Read first time.

By Mr. Starr, An Act to repeal "An Act to amend an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State,'" passed April twenty-nine, one thousand eight hundred and fifty-one, approved April fifteen, one thousand eight hundred and fifty-eight, and to re-enact the several Sections which that Act amended.

Read first and second times, and referred to the Judiciary Committee.

By Mr. White, An Act to enable the County of Shasta to construct a Road across the Whiskey Creek Divide.

Read first time.

By Mr. Babcock, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay, a certain Claim therein mentioned.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Dunlap, An Act to change the Name of Owen Owens.

Read first time.

By Mr. Laspeyre, An Act to repeal "An Act for the Government of the State Prison Convicts, and to provide for the location of a Branch Prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the State Prison Committee.

By Mr. McDermit, An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, one thousand eight hundred and fifty-

seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine.

Read first and second times and placed on file.

Mr. O'Rear made the following repott:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino of this State, and find it correctly engrossed.

BEN. T. O'REAR,
For the Committee.

RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Dunlap:

Concurrent Resolution, Relative to repeal of New Almaden Resolution. Made special order for April third, at ten minutes past one, P. M.

By Mr. Kungle:

Joint Resolution, Requesting the Governor to cause to be Prosecuted a certain Suit.

Read first and second times and made special order for March twenty-eighth.

By Mr. Bailey of Tuolumne:

Resolved, That the Committee on Printing be instructed to inquire into the expediency and economy of letting out by contract, to the lowest responsible bidder, the public printing, and to report, by bill or otherwise, at an early day.

Adopted.

By Mr. Gwinn:

Resolved, That a Select Committee of three be appointed by the Speaker, whose duty it shall be to inquire into the contingent expenses in all the various departments of the Assembly, and report all the facts to the Assembly at the earliest day practicable.

Adopted, and Messrs. Gwinn, Maxson, and Watson, were appointed the committee.

GENERAL FILE.

Assembly Bill, No. 142, An Act to authorize Robert Haley and John G. Oldner to construct a Wharf at the foot of Third Street, in the City and County of San Francisco—amendments adopted, further amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 299, An Act concerning Taxes in Monterey County;

Also, Assembly Bill, No. 334, An Act to provide for the Disposal of Lots in the Towns and Villages on Public Lands in Mendocino County—were, the rules being suspended, considered engrossed, read third time, and passed.

Mr. Rogers of San Francisco, moved a call of the House.

Sustained.

Roll called.

Absent—Messrs. Beach, Conn, Daggett, Gallagher, Gwinn, Hayes, Heston, Howe, King, Rodgers of Tuolumne, Tilton, Watson, Yager, and Yancey.

On motion of Mr. Stone, further proceedings under the call were dispensed with.

Mr. Dunlap moved to adjourn.

Lost.

SPECIAL ORDER.

Substitute for Assembly Bills, Nos. 96 and 111, An Act in relation to Chinese and Mongolians working in the Mines in this State, the special order of the day—was taken up.

Mr. Burson moved to indefinitely postpone the substitute and bills.

After spending some time in the consideration of the bill, it was upon motion made the special order for to-morrow at ten minutes past one o'clock, P. M.

At half past three o'clock, P. M. Mr. Burson moved to adjourn.

Upon which, Messrs. King, Laspeyre, and Harville, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bowman, Burson, Campbell, Conness, Crowell, Curtis, Daggett, Ellis, Fairchild, Gallagher, Halsted, Hammond, Hawley, Hayes, Hundley, Johnson of Amador, Lambert, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Wescott, Wilson, and Yager—38.

NOES—Messrs. Dunlap, Goodman, Gwinn, Haliday, Harville, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Laspeye, Lawrence, Lovell, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Nevada, Stone, Swan, Watson, Welty, Wilkins, Williams, and Mr. Speaker—23.

So the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 28, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

The Journal of yesterday was read and approved.

Messrs. Makins and Walden had indefinite leave of absence.

Mr. Yancey presented a petition of citizens of Columbia, for donation to Sisters of Mercy.

Placed on file.

On motion of Mr. Gwinn, two additional members were added to the committee appointed to inquire into the contingent expenses of the Assembly.

Agreed to, and Messrs McDermit and Conn added to the committee.

Mr. Williams made the following report:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 94, An Act in relation to the Writ of Ne Exeat, have had the same under consideration, and report the bill back, and recommend its passage;

Also, Assembly Bill, No. 284, An Act to provide against Fraud in the Collection of Debt, is reported back, with the recommendation that it do not pass;

Also, Assembly Bill, No. 218, An Act for the better Protection of Mining Claims in this State, is reported back, with the recommendation that it do not pass.

Your committee have also had under advisement Senate Bill, No. 229, An Act to authorize the Sale of certain Real Estate by Guardians;

Also, Senate Bill, No. 240, An Act to authorize Jeremiah H. Hollinsted to convey certain Real Estate;

Also, Senate Bill, No. 69, An Act to amend an Act entitled "An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight," approved April sixteenth, one thousand eight hundred and fifty-nine.

And report the three bills back, and recommend their passage;

Also, Assembly Bill, No. 347, An Act to define the time for commencing certain Actions, is reported back, with the recommendation that it do not pass;

Also, Assembly Bill, No. 200, An Act to establish the Rule of Evidence to be observed in the Courts of this State in certain cases, concerning Titles to Lands—a majority of your committee recommend its passage, and a minority, that it do not pass;

Also, Assembly Bill, No. 337, An Act to create the Office of State Marshal, define the Duties and fix the Compensation thereof, is reported back, with the recommendation that it do not pass.

Your committee have also examined Assembly Bills, Nos. 254, 361, 18, 56, 135, and 13, relating to Amendments to the "Practice Act," together with various petitions accompanying the same, and report them herewith back to the House, with a substitute, entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases, in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto, and recommend the adoption and passage of the substitute.

WILLIAMS,
Chairman.

GENERAL FILE.

Assembly Bill, No. 319, An Act to authorize the Sale of certain Real Estate by Guardians—rules suspended, considered engrossed, read a third time and passed, rules further suspended, and the Clerk directed to report the bill to the Senate.

Senate Bill, No. 201, An Act to fix the Compensation of the Auditor of Napa County—was read a third time and passed.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 280, An Act to amend an Act entitled "An Act concerning the Office of Surveyor-General;"

Also, Assembly Bill, No. 357, An Act to authorize the Guardian of certain Minors to sell their Real Estate.

BEN. T. O'REAR,
For the Committee.

GENERAL FILE, RESUMED.

Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences."

Mr. Gwinn moved to recommit the bill, with instructions to strike out all after the enacting clause, and report an amendment repealing the present law concerning partition fences.

Lost.

Mr. Heston moved to indefinitely postpone the bill.

Lost.

Bill read a third time and passed.

Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven—was read a third time and passed.

Senate Bill, No. 248, An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the Northern Railroad Company, and to issue the Bonds of said Company for the Payment of the same, and for other purposes connected therewith"—was read first and second times, rules suspended, read third time and passed.

Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State.

Mr. Hundley moved to make the bill the special order for Tuesday, April third, at ten minutes past one o'clock, P. M.

Lost.

Bill read a third time.

On its passage, Messrs. Conness, Howe, and Gallagher, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Burson, Campbell, Crowell, Daggett, Dunlap, Ellis, Goodman, Halsted, Hammond, Harville, Hawley, Henry, Jenkins, Johnson of Sierra, Lamar, Lambert, Lawrence, Lewis, Lovell, Malarin, Maxson, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Stevenson, Swan, Theller, Warner, Welty, Wescott, White, Wilkins, Wilson, and Yancey—47.

NOES—Messrs. Conness, Curtis, Fairchild, Gallagher, Hayes, Howe, Hugg, Hundley, Kungle, Laspeyre, O'Connor, Patten, Shannon, Stone, Tilton, Williams, and Mr. Speaker—17.

REPORTS.

Reports were made as follows:
By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment have examined Assembly Bill, No. 299, An Act concerning Taxes in Monterey County, and find it correctly engrossed.

B. T. O'REAR,
For the Committee.

By Mr. Hugg:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 313, An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to sell the Real Estate of said deceased at Private Sale.

B. P. HUGG,
Chairman.

By Mr. Bailey of Tuolumne:

Mr. Speaker:—Your Committee on Internal Improvements have had under consideration Senate Bill, No. 141, and report the bill back to the House, and recommend its passage without amendment.

JASPER BABCOCK,
GEO. W. BAILEY,
A. J. KING,
T. M. HESTON.

Senate Bill, No. 141, above reported, made special order for April third, one thousand eight hundred and sixty, at half past one o'clock, P. M.

SPECIAL ORDER.

Substitute for Assembly Bills, Nos. 96 and 111, An Act in relation to Chinese or Mongolians working in the Mines of this State, special order of the day, was taken up. Pending the discussion on the bill, the further order for this day being the consideration of Assembly Bills, Nos. 291, 352, 353, and 354, relating to State prison matters, were made special order for April fourth, at one o'clock, P. M.

Mr. Kungle moved to postpone further consideration of the bill until Tuesday next, at one o'clock.

Lost.

Mr. Conness moved to recommit to Committee on Mines and Mining Interest.

Lost.

Mr. Laspeyre moved to recommit to the Committee on Agriculture.

Lost.

Mr. Conness moved the previous question.

Sustained.

On the indefinite postponement of the bill, Messrs. Laspeyre, Lovell, and Howe, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Conn, Fairchild, Gwinn, Haliday, Halsted, Heston, Howe, King, Laspeyre, Lewis, Lovell, Malarin,

Phelps, Rogers of San Francisco, Shannon, Smith of Nevada, Swan, Watson, Wescott, and Wilkins—22.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Conness, Curtiss, Daggett, Dunlap, Ellis, Gallagher, Hammond, Harville, Hayes, Henry, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Lawrence, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Warner, Welty, White, Williams, Wilson, Yager, Yancey, and Mr. Speaker—48.

On the adoption of the substitute, Messrs. Lawrence, White, and Burson, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bowman, Conness, Curtis, Daggett, Ellis, Gallagher, Hammond, Hayes, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, McDermit, O'Connor, O'Rear, Pate, Patten, Sawyer, Schmidt, Starr, Stevenson, Stone, Theller, Warner, White, Williams, Wilson, Yancey, and Mr. Speaker—32.

Noes—Messrs. Beach, Bell, Burson, Campbell, Conn, Crowell, Dunlap, Fairchild, Gwinn, Haliday, Halsted, Harville, Henry, Heston, Howe, Hundley, Jenkins, King, Lamar, Laspeyre, Lovell, Malarin, Maxson, Phelps, Rogers of San Francisco, Shannon, Smith of Nevada, Smith of Sutter, Swan, Tilton, Watson, Welty, Wescott, Wilkins, and Yager—35.

The House then refused to order to engrossment, Assembly Bills, Nos. 96 and 111.

Mr. Johnson, of Amador, verbally reported, without recommendation, Assembly Bill, No. 175, An Act to amend an Act entitled "An Act to provide for the protection of Foreigners, and to define their Liabilities and Privileges."

Mr. O'Rear made the following report:

Mr. Speaker:—The Committee on Engrossment have examined Assembly Bill, No. 142, An Act to authorize Robert Haley and John G. Oldner, to construct a Wharf at the foot of Third Street, in the City of San Francisco, and find it correctly engrossed.

BEN. T. O'REAR,
For the Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

Senate Chamber,
March 28, 1860.

Mr. Speaker:—The Senate this day passed Senate Substitute for Assembly Bill, No. 226, An Act to authorize the American River Water Company to extend their Works to or near the City of Sacramento, in the County of Sacramento, for the purpose of supplying the Inhabitants of said County with Water, for drinking and other uses;

Also, Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California;

Also, An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the County of Butte to purchase and hold, Two Hundred Thousand Dollars of the First Mortgage Bonds of the Northern Railroad Company, and to issue the Bonds of said County for the Payment of the same, and for other purposes connected therewith;"

Also, Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 210, above reported—read first and second times, and referred to Special Committee on Eastern Boundary.

Senate Substitute for Assembly Bill, No. 226, above reported—read first and second times, and placed on file.

SENATE CHAMBER,
March 28, 1860.

Mr. SPEAKER:—The Senate on Monday, March twenty-sixth, passed Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol, in the City of Sacramento.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
March 27, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 203, An Act in relation to Lobbying and Log-Rolling, and to declare the same to be a Misdemeanor.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 203, above reported—read first and second times, and referred to the Committee on Public Morals.

Mr. Laspeyre moved to suspend the rules, for the purpose of taking up the bills on the State prison.

Upon which Messrs. Conness, Smith of Nevada, and Lambert, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Burson, Campbell, Conn, Crowell, Gwinn, Harville, Hayes, Henry, Howe, Johnson of Sierra, Lamar, Laspeyre, Lawrence, Lewis, Lovell, O'Connor, O'Rear, Pate, Phelps, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Warner, Welty, Wescott, Wilkins, Williams, Wilson, and Yager—35.

NOES—Messrs. Bowman, Conness, Coombs, Dunlap, Ellis, Gallagher, Goodman, Haliday, Hawley, Heston, Hugg, Hundley, Jenkins, King, Kungle, Lambert, Malarin, Maxson, McDermit, Rogers of San Francisco, Schmidt, Shannon, Shelton, Starr, Stevenson, Stone, Swan, Tilton, Watson, and White—31.

SECOND READING OF BILLS.

Assembly Bill, No 385, An Act concerning Goats found running at large in the County of Sacramento—read second time and referred to the Sacramento Delegation.

Assembly Bill, No. 367, An Act to enable the County of Shasta, to Construct a Road across Whiskey Creek Divide—read second time and referred to Committee on Internal Improvements.

Assembly Bill, No. 370, An Act to change the name of Owen Owens—read second time and referred to the Committee on Change of Names.

Assembly Bill, No. 386, An Act to authorize the Treasurer of certain Counties of this State, to retain one-half of the State's portion of the Taxes collected in those Counties, for purposes of Internal Improvements—read second time and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sharp, An Act to repeal all Acts and parts of Acts amendatory of, or supplemental to, an Act entitled "An Act to establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Stevenson, An Act to amend "An Act creating a Board of Commissioners, and the Office of Overseer in each Township of the several Counties of this State, to Regulate Water Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. King, An Act authorizing the Levy of a Special Tax in the County of Los Angeles.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act to Legalize the Duplicate Assessment List of Los Angeles County.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Babcock, An Act to authorize E. C. McNear and John B. B. Cooper, to construct Wharfs at the foot of Union and Lombard Streets, in the City and County of San Francisco, and to collect Tolls thereon.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Warner, An Act to authorize the Funding the Outstanding Debt of the County of Los Angeles, and to provide for the Payment of the same.

Read first and second times, and referred to the Los Angeles Delegation.

By Mr. Yager, An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa Agricultural Society.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

On motion of Mr. Sawyer, Assembly Bill, No. 377, An Act concerning Primary Elections, was ordered printed.

Mr. Shelton offered a Concurrent Resolution, Relative to Adjournment *sine die*.

Laid over under the rules.

At fifteen minutes past four, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 29th, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Curtis had indefinite leave of absence.
On motion of Mr. Lambert, the House ordered substitute for Assembly Bills, Nos. 13, 18, 56, 135, 254, and 361, in relation to the practice act, printed.

REPORTS.

Reports were made as follows:
By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report them correctly engrossed:

Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations, for the Port of San Francisco," passed March eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof;

Also, Assembly Bill, No. 296, Substitute for Assembly Bills, Nos. 239, 245, 248, 279, 296, and 328, An Act to Change the Names of Persons herein named;

Also, Assembly Bill, No. 373, An Act to authorize the Tax Collector of Mendocino County to receive County Warrants, issued after the date of the approval of this Act, in payment of County Taxes;

Also, Assembly Bill, No. 378, An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate;

Also, Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five.

O'REAR,
For the Committee.

By Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 371, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay a certain Claim therein mentioned, have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

SAWYER,
For Delegation.

Amendments to Assembly Bill, No. 371, above reported, adopted—rules suspended, considered engrossed, read third time and passed. Rules further suspended, and the Clerk directed to report the bill to the Senate.

By Mr. Shelton:

Mr. SPEAKER :—The delegation from Calaveras County, to whom was referred Assembly Bill, No. 166, An Act to provide for the better maintenance of the Indigent Sick, of Calaveras County, have had the same under consideration, and herewith return the bill without amendment, and recommend its passage.

SHELTON,
For Delegation.

The rules were suspended, and Assembly Bill, No. 166, above reported —considered engrossed, read third time and passed, and the Clerk directed to report the bill to the Senate.

GENERAL FILE.

Assembly Bill, No. 186, An Act concerning the offices of Tax Collector, Auditor, and Treasurer, of the City and County of San Francisco—was read third time and passed ;

Also, Assembly Bill, No. 192, An Act to provide for the Construction of a Railroad, from a point on Petaluma Creek, into the City of Petaluma, and for the right of way for the same—substitute adopted, and ordered engrossed ;

Also, Assembly Bill, No. 304, An Act to regulate the Salary of the County Judge, of Mariposa County ;

Also, Assembly Bill, No. 315, An Act to extend the provisions of an Act entitled "An Act to change the Time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven ;

Also, Assembly Bill, No. 316, An Act concerning the Office of Public Administrator, in Solano County—were, the rules being suspended, considered engrossed, read third time, and passed ;

Also, Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their duties — amendments adopted, rules suspended, considered engrossed, read third time and passed ;

Also, Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs running at large in certain Counties," passed April twenty-first, one thousand eight hundred and fifty-six—recommitted to Committee on Agriculture.

Mr. Daggett made the following report :

Mr. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled, substitute for Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento.

JOHN DAGGETT,
Chairman.

Mr. Fairchild, by leave, offered a resolution in relation to apprehended inundation of the city of Sacramento—referred to Sacramento Delegation.

GENERAL FILE, RESUMED.

Assembly Bill, No. 281, An Act supplemental to an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved April twenty-nine, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 311, An Act to amend "An Act concerning

Courts of Justice and Judicial Officers," passed May thirteen, one thousand eight hundred and fifty-three—were, the rules being suspended, considered engrossed, read third time, and passed;

Also, Assembly Bill, No. 208, An Act authorizing Gabriel Allen, John S. Griffen, James B. Winston, and J. C. Welch, to build and construct a Turnpike Road from the Ex-Mission of San Fernando to the Arroya de Santa Clara, in Los Angeles County—was ordered engrossed;

The House refused to engross Assembly Bill, No. 308, An Act to provide for Writs of Assistance.

Assembly Bill, No. 181, An Act to appropriate Money for the Payment of a Claim held by B. F. Hastings—substitute adopted, considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time and passed;

Also, Assembly Bill, No. 321, An Act to authorize José de Jesus Pico to sell certain Lands in San Luis Obispo County, belonging to his Infant Children—rules suspended, considered engrossed, read third time, and passed, and Clerk directed to report the bill to the Senate;

Also, Assembly Bill, No. 127, An Act to authorize John B. Polhemus, Robert Allen, John Perry, Jr. and W. Southwick, their Associates and Assigns, to construct and keep in repair, a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon—amendments adopted, rules suspended, considered engrossed, read third time, and passed;

Also, Senate Bill, No. 143, An Act for the Relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, deceased—was read third time, and passed;

Also, Assembly Bill, No. 197, An Act to authorize the Board of Supervisors of the City and County of San Francisco to convey certain Property to the State of California, and to make and issue certain Bonds—was indefinitely postponed;

Also, Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to establish support, and regulate Common Schools and to repeal former Acts concerning the same," approved May three, one thousand eight hundred and fifty-five—amendments adopted, rules suspended, considered engrossed, read third time, and passed;

Also, Senate Bill, No. 31, An Act appropriating Money for the Relief of Justus Hovey, Assignee of Thomas R. Eldredge—was considered in Committee of the Whole, reported and recommended, read third time, and passed;

Also, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds and cancel certain Claims," approved April twenty-six, one thousand eight hundred and fifty-eight—amendments adopted, read third time, and passed;

Also, Assembly Bill, No. 326, An Act for the Relief of Peter A. Burnett—read first and second times, and placed on top of file;

Also, Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May one, one thousand eight hundred and fifty-one—rules suspended, considered engrossed, read third time, and passed;

Also, Senate Bill, No. 184, An Act making Appropriation for deficiencies in Appropriations made for the Tenth Fiscal Year ending June thirty, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year ending June thirty, one thousand eight hundred and sixty—

substitute adopted, considered in Committee of the Whole, reported and recommended, read third time and passed.

SPECIAL ORDER.

Assembly Bill, No. 100, An Act to provide for the Draining and Reclamation of certain Lands therein named, the special order of the day, was taken up.

Mr. Conness moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Fairchild, Goodman, King, Shelton, Tilton, and Yager.

On motion of Mr. Lambert, further proceedings under the call were dispensed with.

The bill was considered in Committee of the Whole, and reported, without recommendation.

Mr. Lambert moved to strike out the enacting clause.

Upon which, Messrs. Gwinn, Lamar, and Johnson of Amador, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs Bailey of Santa Clara, Campbell, Conn, Conness, Coombs, Covarrubias, Ellis, Fairchild, Haliday, Hammond, Harville, Hayes, Hundley, Johnson of Amador, Kungle, Lambert, Laspeyre, O'Connor, O'Rear, Pate, Rogers of San Francisco, Schmidt, Shannon, Starr, Swan, Tilton, Warner, Welty, White, Wilkins, Williams, Yager, and Mr. Speaker—33.

Noes—Messrs. Babcock, Bell, Dunlap, Goodman, Gwinn, Henry, Heston, Howe, Hugg, Johnson of Sierra, King, Lamar, Lewis, Lovell, McDermit, Rodgers of Tuolumne, Sawyer, Shelton, Smith of Nevada, Smith of Sutter, Theller, Wescott, and Wilson—23.

Mr. Moore gave notice of reconsideration.

Assembly Bill, No. 231, An Act appropriating Moneys for the benefit of the Home for the care of the Inebriate, in the City and County of San Francisco, further Special Order of the day—was taken up, considered in Committee of the Whole, amended, and reported.

Mr. Stevenson moved to strike out all after the enacting clause, and insert Assembly Bill, No. 362.

Upon which, Messrs. Lamar, Shannon, and Schmidt, demanded the ayes and noes, and the motion was lost, by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Campbell, Conn, Coombs, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Hawley, Hayes, Henry, Heston, Hugg, Jenkins, Kungle, Lamar, Lambert, Lawrence, Lewis, McDermit, O'Rear, Patten, Stevenson, Stone, Warner, White, Wilkins, Williams, and Wilson—34.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Conness, Fairchild, Hammond, Harville, Howe, Hundley, Johnson of Amador, Johnson of Sierra, Laspeyre, Lovell, Malarin, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Theller, Tilton, Watson, Welty, Wescott, Yager, and Mr. Speaker—34.

Mr. Hayes moved to indefinitely postpone the bill.

Upon which, Messrs. Hayes, Stevenson, and Bailey of Santa Clara, de-

manded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Conn, Coombs, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Hawley, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Kungle, Lamar, Lambert, Lewis, McDermit, O'Rear, Patten, Sawyer, Smith of Sutter, Stevenson, Stone, Warner, White, Wilkins, Williams, Wilson, and Yager—37.

NOES—Messrs. Babcock, Beach, Conness, Fairchild, Harville, Hundley, Johnson of Amador, Johnson of Sierra, Laspeyre, Lawrence, Lovell, Malarin, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Theller, Tilton, Watson, Welty, Wescott, and Mr. Speaker—29.

REPORTS.

Reports were made as follows:

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bill, and found it correctly engrossed: Assembly Bill, No. 380, An Act to provide for the Opening of a Channel across the Bar at the Mouth of the San Antonio Creek.

B. T. O'REAR,
For the Committee.

By Mr. Hugg:

Mr. SPEAKER:—The Enrolling Committee have examined and found correctly enrolled Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California.

B. P. HUGG.
For Committee.

At forty-five minutes past four o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 30, 1860.

The House met puruant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Mr. Conness moved to reconsider the vote by wh[illegible] House on yesterday struck out the enacting clause from Asse[illegible] No. 100, An Act to provide for the Draining and Reclamation [illegible] s therein named.

Upon which, Messrs. Hundley, Conness, an[illegible] ayes and noes, and the motion prevailed by th[illegible] d the

AYES—Messrs. Babcock, Beach, Bell, Conn, Crowell, Curtis, Daggett, Dunlap, Ellis, Gwinn, Halsted, Hugg, Johnson of Sierra, King, Lamar, Lawrence, Lewis, Lovell, Malarin, Maxson, O'Rear, Phelps, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Shelton, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Warner, Watson, Wescott, White, Wilkins, Wilson, and Yancey—39.

NOES—Messrs. Bowman, Campbell, Conness, Coombs, Fairchild, Haliday, Hammond, Harville, Hawley, Hayes, Hundley, Jenkins, Johnson of Amador, Kungle, Lambert, Laspeyre, Makins, McDermit, O'Connor, Pate, Rogers of San Francisco, Schmidt, Smith of Nevada, Stone, Swan, Welty, Williams, and Yager—28.

The question recurred on striking out the enacting clause.

Mr. Gwinn moved to make the further consideration of the bill the special order for April fourth at ten minutes past one, P. M.

Mr. Howe moved the previous question.

Sustained.

On the motion to make the bill the special order, Messrs. Laspeyre, Bailey of Santa Clara, and Makins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bell, Covarrubias, Crowell, Dunlap, Goodman, Gwinn, Halsted, Henry, Heston, Howe, Hugg, Johnson of Sierra, Lamar, Lawrence, Lewis, Lovell, McDermit, Rodgers of Tuolumne, Sawyer, Shelton, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Warner, Wescott, Wilkins, Wilson, and Yancey—33.

NOES—Messrs. Bailey of Santa Clara, Beach, Bowman, Campbell, Conn, Conness, Coombs, Curtis, Ellis, Fairchild, Haliday, Hammond, Harville, Hawley, Hayes, Hundley, Jenkins, Johnson of Amador, Kungle, Lambert, Laspeyre, Makins, Maxson, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Shannon, Smith of Nevada, Swan, Watson, Welty, White, Williams, Yager, and Mr. Speaker—39.

On the motion to strike out, Messrs. Conness, Shannon, and Laspeyre, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Bowman, Campbell, Conn, Conness, Coombs, Covarrubias, Curtis, Ellis, Fairchild, Haliday, Hammond, Harville, Hawley, Hayes, Hundley, Jenkins, Johnson of Amador, Kungle, Lambert, Laspeyre, Lawrence, Makins, Maxson, O'Connor, O'Rear, Pate, Patten, Rogers of San Francisco, Schmidt, Shannon, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, Tilton, Welty, White, Williams, Yager, and Mr. Speaker—43.

NOES—Messrs. Babcock, Bailey of Tuolumne, Bell, Crowell, Dunlap, Goodman, Gwinn, Halsted, Henry, Heston, Howe, Hugg, Johnson of Sierra, King, Lamar, Lewis, Lovell, McDermit, Rodgers of Tuolumne, Sawyer, Shelton, Smith of Sutter, Stone, Theller, Warner, Wescott, Wilkins, Wilson, and Yancey—29.

Mr. Burson had four days' leave of absence.

Mr. Laspeyre made the following report:

Mr. SPEAKER:—The Special Committee to whom was referred Assembly Bill, No. 360, An Act to Incorporate District Agricultural Societies,

and to repeal "An Act to Incorporate the State Agricultural Society," passed May thirteenth, one thousand eight hundred and fifty-four, have had the same under consideration, and beg leave to report the bill back to the House with a substitute, and recommend the passage of the substitute.

LASPEYRE,
Chairman.

PETITIONS.

Petitions were presented as follows:

By Mr. Stone, Of citizens of El Dorado relative to Chinese law.

Referred to Committee on Mines and Mining Interests.

By Mr. Johnson of Sierra, Of citizens of La Porte, relative to incorporation of town.

Placed on file.

INTRODUCTION OF BILLS.

Mr. Johnson of Sierra, by leave, introduced a bill for An Act to Incorporate the Town of La Porte.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Clerk directed to report the bill to the Senate.

Mr. Lewis, by leave, introduced a bill for An Act to authorize and require the Tax Collector of the County of Marin to receive Warrants and Scrip, issued for County Indebtedness of said County, in payment for Taxes levied for County purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Clerk directed to report the bill to the Senate.

REPORTS.

Reports were made as follows:

By Mr. Babcock:

Mr. SPEAKER:—Your Committee on Claims to whom was referred Assembly Bill No. 333, An Act to appropriate Money for the Payment of small Accounts due from the Insane Asylum, have had the same under consideration, and respectfully report the same back with the accompanying substitute, and recommend the passage of the substitute;

Also, Assembly Bill, No. 214, An Act for the Relief of W. F. Paugh, Sheriff of the County of Amador, have had the same under consideration, and would respectfully report the same back, and recommend its passage.

E. A. STEVENSON,
Chairman.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 379, An Act concerning Aliens, have had the same under consideration, and report the bill back and recommend its passage;

Also, Assembly Bill, No. 393, An Act authorizing the levy of a Special Tax in the County of Los Angeles, is reported back, and its passage recommended;

Also, Assembly Bill, No. 381, An Act concerning the Infant Heirs of Bernardo Yorba, deceased, is reported back, and its passage recommended;

Also, Assembly Bill, No. 394, An Act to amend "An Act creating a

Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water-Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four, is reported back, amended, with the recommendation that it pass as amended;

Also, Assembly Bill, No. 375, An Act to further define the Jurisdiction of Justices of the Peace, is reported back, with the recommendation that it do not pass;

Assembly Bill, No. 368, An Act to repeal "An Act to amend an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State,'" passed April twenty-ninth, one thousand eight hundred and fifty-one, and approved April fifteenth, one thousand eight hundred and fifty-eight, and to re-enact the several Sections which that Act amended, is reported back with a statement that inasmuch as a substitute for a number of Assembly Bills, amending the Civil Practice Act, reported by the Judiciary Committee, is now pending before the House, no action is deemed necessary on the present bill at this time.

Assembly Bill, No. 386, An Act to authorize the Treasurers of certain Counties of this State to retain one-half of the State's portion of the Taxes collected in those Counties for purposes of Internal Improvements, is reported back, amended, without recommendation.

WILLIAMS,
Chairman.

By Mr. Goodman:

Mr. SPEAKER:—The Committee on Agriculture have had under consideration Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to restrict the herding of Sheep to certain Pastures in the Counties of Sonoma and Marin," approved April fifteenth, one thousand eight hundred and fifty-eight, approved March tenth, one thousand eight hundred and fifty-nine, report the bill back with amendments, and recommend its passage as amended.

Also, Assembly Bill, No. 358, An Act to provide for the Payment of Bounties for the destruction of Wild Animals, and report the same back, and recommend its passage.

GOODMAN.

By Mr. Warner:

Mr. SPEAKER:—Your committee, to which was recommitted Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs running at large," have considered the same, together with the amendment heretofore submitted by your committee, and would report the same back, and recommend the adoption of the amendment, and the passage of the same after being so amended.

The object of the amendment is solely to remove from the statute book the law of one thousand eight hundred and fifty six, as the bill under consideration embraces all the provisions of that law.

Your committee would also recommend that the title of the bill be amended by striking out the words "to amend an act passed April twenty-first, one thousand eight hundred and fifty-six."

J. J. WARNER,
Chairman.

By Mr. Theller:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer.

SAMUEL T. THELLER.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the following accounts, and find them correct, and recommend the payment of the same, viz:

Purpose.	Amount.
For Daily and Weekly Union, furnished members of the Assembly to March 31, 1860	$164 87
The account of Democratic Standard, for Daily and Weekly Standard, furnished members of the Assembly, to March 30, 1860	132 00
The account of Z. L. Garwood, for one month's rent of two Committee Rooms, from March first to April first, in advance,	50 00
The account of Sacramento Gas Company, for Gas furnished to Committee Rooms, from February 25th to March 24th, 1860	10 30
The account of William Dougherty, for sundry Papers furnished members of the Assembly to March 31, 1860	292 85
Total	$650 02

DANIEL ROGERS,
Chairman.

Also:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred a resolution in relation to additional compensation to the Porters and Paper-Folders of the Assembly, have had the same under consideration, and report back the accompanying substitute, and recommend its adoption.

Resolved, That there be paid out of the Contingent Fund of the Assembly to each of the Porters of the Assembly the sum of two dollars per diem in addition to the pay heretofore allowed them, the same to date from the commencement, and extending to the close of their term of service; and, to Fred Jackson, acting Assistant Paper-Folder, the sum of fifty cents per diem from the commencement of the session to this date.

DANIEL ROGERS,
Chairman.

Adopted.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and found them correctly engrossed:

Assembly Bill, No. 334, An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County;

Also, Assembly Bill, No. 390, An Act to authorize the Board of Super-

visors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society;

Also, Assembly Bill, No. 389, An Act to legalize the Duplicate Assessment List of Los Angeles County.

BEACH,
Chairman.

By Mr. Ellis:

Mr. SPEAKER:—The Committee on State Hospitals, to whom was referred Assembly Bill, An Act to appropriate Money for the Relief of the Roman Catholic Orphan Asylum of Los Angeles, have considered the same, and report the bill to the House without recommendation.

R. B. ELLIS,
WESCOTT,
J. W. HARVILLE.

Also:

Mr. SPEAKER:—The Committee on State Hospitals, to whom was referred Assembly Bill, No. 93, having carefully examined the same, together with the subject to which it relates, report as follows:

The records of the State Insane Asylum show that it went into operation on the fourteenth of May, one thousand eight hundred and fifty-three, and that the number of patients admitted into the institution up to the thirty-first of December of the same year, was two hundred and eighty-four, of which number one hundred and three were remaining at that date. From the thirty-first of December, one thousand eight hundred and fifty-three, to the same date of one thousand eight hundred and fifty-four, there were admitted two hundred and two patients, and one hundred and thirty-four remained at the close of the year. In one thousand eight hundred and fifty-five there were admitted two hundred and fourteen patients, and one hundred and sixty-two remained. From the thirty-first of December, one thousand eight hundred and fifty-five, to the first of October, one thousand eight hundred and fifty-six, we are unable to find any records of the institution. On the latter date there were in the asylum one hundred and eighty-eight patients, and up to the thirty-first of December following thirty-nine were admitted and one hundred and seventy-two remained at the close of the year. For one thousand eight hundred and fifty-seven, up to the first of August, we are again unable to find any record of the inmates of the institution. On the first of August of said year there were one hundred and sixty-two patients under treatment, and up to the thirty-first of December of the same year there were admitted eighty-six patients, and one hundred and eighty-eight remained at the end of the year. In one thousand eight hundred and fifty-eight, up to November (we suppose this to be a misprint, and that it should be December) thirty-first, two hundred and forty-four patients were admitted and two hundred and seventy-three remained. In one thousand eight hundred and fifty-nine, two hundred and thirty-three were admitted, and there remained at the close of the year three hundred and seventy patients in the care of the asylum.

We recapitulate the foregoing statement in the following tabular exhibit:

Date.	Admitted into Asylum.	Remn'g in Asylum at the close.
In 1853	284	103
In 1854	202	134
In 1855	214	162
In 1856, from October first,	39	172
In 1857, from August first,	86	188
In 1858	241	273
In 1859	233	370

It will be seen from the foregoing facts, that the annual increase in the number of inmates of the asylum has been as follows:

In one thousand eight hundred and fifty-four the increase was thirty-one patients. In one thousand eight hundred and fifty-five, twenty eight patients. In one thousand eight hundred and fifty-six, ten patients. In one thousand eight hundred and fifty-seven, sixteen patients; in one thousand eight hundred and fifty-eight, eighty-five patients; and in one thousand eight hundred and fifty-nine, ninety-seven patients.

The total increase in the number of patients since the first of January, one thousand eight hundred and fifty-four, is two hundred and sixty-seven, of which more than two-thirds—to-wit: one hundred and eighty-two—have accumulated within the last two years. The two years in which there was the smallest accumulation of inmates, were one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, the total increase being twenty-six. The two years which show the largest accumulation were one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine—the total increase being one hundred and eighty-two.

From the foregoing data, it may be estimated that at the close of the present year there will remain in the care of the State four hundred and seventy insane patients.

The Resident Physician, in his report for one thousand eight hundred and fifty-nine, states that "by repairing the frame house formerly used as the residence of the physician, we have been able to convert it into a ward, capable of accommodating fifty or sixty of the more quiet patients; and we think this, with other minor improvements, will be amply sufficient for any increase that may be reasonably contemplated."

With the foregoing facts, we report the bill back to the House without recommendation.

All of which is respectfully submitted.

R. B. ELLIS,
L. M. BURSON,
J. W. HARVILLE,
A. J. KING.

By Mr. Coombs:

Mr. SPEAKER:—Your committee, to whom was referred Senate Bill, No. 217, An Act to Regulate the Compensation of the County Surveyors of Napa and Sonoma Counties, report the bill back without amendment, and recommend its passage.

N. COOMBS,
WILKINS.

By Mr. Hundley:

Mr. SPEAKER:—Your Special Committee, to whom was referred Assembly Bill, No. 336, and Senate Bill, No. 210, Acts to authorize and empower the Surveyor-General to run out and mark the Boundary Line between the Territories of the United States and the State of California, have had the same under consideration, and herewith report a substitute for said bills, and recommend the passage of the same.

P. O. HUNDLEY,
Chairman,
C. McDERMIT,
STONE,
CONN.
J. W. HARVILLE,
J. WHITE,
THOS. J. HALIDAY,
T. M. HESTON,
W. H. BOWMAN.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 29, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman, for Services and Expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 249, An Act to Legalize an Order of the Board of Supervisors of the County of Santa Cruz, and all the Proceedings had thereunder and dependent thereon.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 30, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento;

Also, Assembly Bill, No. 313, An Act to authorize R. P. Andrews, Administratrix of the Estate of John Andrews, deceased, to sell the Real and Personal Estate of said deceased at Private Sale;

Also, Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 29, 1860.

To the Honorable the Assembly of California:

I herewith transmit, for the consideration of your Honorable Body, a

communication from the Secretary of the Pacific Railroad Convention, asking for an appropriation to print the reports, speeches, and proceedings, etc. of the convention.

As it is urged that the statistical and other information contained in the books and manuscripts herewith transmitted would be found of great benefit if disseminated to the people of our State, I do not feel authorized to withhold from the Legislature the opportunity of giving the subject due consideration, and being thus enabled to decide upon the importance of the contemplated publication.

JOHN G. DOWNEY,
Governor.

To His Excellency,

JOHN G. DOWNEY,

Governor of the State of California:

SIR:—I beg leave to address your Excellency in obedience to a resolution of the Pacific Railroad Convention.

The convention, before adjournment, directed the proceedings of the convention to be published.

The proceedings have been compiled, and are now ready for publication.

To explain, I beg leave to say that the most important part of the proceedings of the Railroad Convention were the reports of the committees, which have been filed with the Secretary and are now in my possession; and I am free to say that for valuable information these documents are second to none ever published.

The report of the Committee on Statistics is compiled with great care, and contains an amount of information that will be sought for in vain in any other one book. The proceedings and remarks made by gentlemen on certain important measures recommended or about to be recommended by the convention, display deep learning and investigation of the subject, and, take it as a whole, I am sure that the publication of the proceedings will raise this State in the proper scale of the States of the Union.

The proceedings of the convention have created considerable sensation at home and abroad. They have awakened the people of the United States and its representatives in Congress to a proper sense of the importance of the great work, and when the labors and recommendations of the convention are published, they will be read by thousands and properly appreciated. It may be said by some who never can see any good *at home*, (except they think they have done it themselves,) that the convention has *done* nothing. The convention could only be passive—could make no laws. It could only suggest, and accompany its suggestions with reason and facts. That has been done, and it is left for the Legislature of the State to honor themselves by ordering the publication of them.

The Legislature appropriated during the session two thousand five hundred dollars for the current expenses of the convention; they have been expended, and I am free to say economically and judiciously. The sum of three hundred dollars was also allowed for printing—to assist the Secretary in his duties; that has not been used. I found it more economical to write what was necessary, and did not think it advisable and proper to begin the printing when I knew that it was insufficient to do all that was necessary.

I therefore ask most respectfully that your Excellency will be pleased to recommend to the present Legislature to make an appropriation to publish the proceedings. At the same time I beg leave to state that the

convention met twice. There was an average attendance of one hundred delegates from this State, and some twenty from abroad, of five days each session. That it is but a fair computation to set the traveling expenses of each member down to fifty dollars each time, which would make, for both sessions, the sum of ten thousand dollars; then take their daily expenses, at five dollars each, being ten days for one hundred persons, and you have five thousand dollars, and making in all the actual cash outlays of members the sum of fifteen thousand dollars, besides the expenses of members from our sister State, Oregon, and the territories, and the value of the *time* of these gentlemen spent during the trip and the session, and the services, expenses, and time, of the Secretary.

Against this the State has paid twenty-five hundred dollars for expenses of the convention, and if twenty-five hundred dollars more were appropriated, you will see that that is only twenty-five per cent. of the cash laid out by members. So, on the score of economy, the State has the advantage. This is the first time that the State of California has given any sign of public enterprise, and that its pulse beats independent of political bias or party measures.

I beg further leave to suggest to your Excellency that the proceedings of this convention will most probably make a volume about the size of the "Transactions of the State Agricultural Society," published last year; that I believe three thousand copies can be published for twenty-five hundred dollars, and that if the Legislature is unwilling to undertake the publication upon an uncertain amount, I am willing to undertake to publish the proceedings for that amount. But I want it well understood that I do not offer to do it for profit to me, but only to insure success, and pledge myself to account for it if I can get it done for less, and to augment the number of copies if possibly it can be done for the money. This, however, is only a proposition. It will be less trouble for me if the Legislature will order the printing of five thousand copies without my having anything to do with the contract, and I leave it to the wisdom and patriotism of your Excellency and the Legislature, to devise prompt, speedy, and effectual means to put before the people the first public effort of the people of this State, and in fact, of the Pacific coast, toward taking that rank in the glorious galaxy of States, and in that great and noble enterprise, the Pacific railroad.

Very respectfully, your Excellency's obedient servant,

W. M. RABE,

Secretary Pacific Railroad Convention.

Mr. Warner gave notice to amend the Fifty-Seventh Standing Rule of the House.

SPECIAL ORDER.

Senate Bill, No. 86, An Act to ratify and confirm Order Number One Hundred and Seventy-Two of the Board of Supervisors of the City and County of San Francisco, the Special Order of the day—was taken up.

Mr. Pate moved a call of the House.

Carried.

Absent—Messrs. Bailey of Santa Clara, Campbell, Ellis, Goodman, King, Lambert, Laspeyre, Lawrence, Patten, Shattuck, Shelton, and Wilson.

On motion of Mr. Howe, further proceedings under the call were dispensed with.

Mr. Conness moved the following amendment:

Provided, That at the expiration of twenty years from the passage of this act, should the city and county not have repaid the cost of said works prior to that time, then the said water-works, with all the dams, flumes, aqueducts, pipes, buildings, engines, reservoirs, and appurtenances, and the revenues arising therefrom, shall absolutely, and without any condition, revert to the city and county of San Francisco.

Mr. Shannon moved the previous question.

Upon which, Messrs. Conness, Schmidt, and Howe, demanded the ayes and noes, and it was sustained by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Campbell, Conn, Covarrubias, Crowell, Ellis, Goodman, Gwinn, Halsted, Hammond, Hayes, Henry, Heston, Howe, Hundley, Johnson of Amador, Lamar, Lambert, Lovell, Malarin, Maxson, Pate, Phelps, Sawyer, Shannon, Shattuck, Smith of Sutter, Stevenson, Tilton, Warner, Wescott, Williams, Wilson, Yager, and Yancey—37.

Noes—Messrs. Bailey of Tuulumne, Bell, Bowman, Conness, Coombs, Daggett, Dunlap, Fairchild, Haliday, Harville, Hawley, Hugg, Jenkins, Johnson of Sierra, King, Kungle, Lawrence, Lewis, Makins, McDermit, O'Connor, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Smith of Nevada, Starr, Stone, Swan, Theller, Watson, Welty, White, Wilkins, and Mr. Speaker—34.

On the adoption of the amendment Messrs. Shannon, Schmidt, and Babcock, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bowman, Daggett, Dunlap, Fairchild, Goodman, Haliday, Hammond, Harville, Hawley, Howe, Jenkins, McDermit, O'Connor, Schmidt, Stone, Theller, Welty, White, Wilkins, Yager, and Mr. Speaker—22.

Noes—Messrs. Babcock, Beach, Bell, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Ellis, Gwinn, Halsted, Hayes, Henry, Heston, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lambert, Lawrence, Lewis, Lovell, Makins, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Tilton, Warner, Watson, Wescott, Williams, Wilson, and Yancey—48.

On the passage of the bill, Messrs. Babcock, Henry, and Wilkins, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Bell, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Ellis, Goodman, Gwinn, Halsted, Hammond, Hayes, Henry, Heston, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Lambert, Lawrence, Lewis, Lovell, Malarin, Maxson, O'Connor, Pate, Phelps, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Tilton, Warner, Watson, Wescott, White, Williams, Wilson, and Yancey—47.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Daggett, Dunlap, Fairchild, Haliday, Harville, Hawley, Howe, Jenkins, Kungle, Lamar, Makins, McDermit, Rogers of San Francisco, Schmidt, Stone, Theller, Welty, Wilkins, Yager, and Mr. Speaker—23.

Mr. Conness gave notice of reconsideration.

At thirty minutes past three o'clock, P. M. on motion of Mr. Bailey of Tuolumne, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 31, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Gwinn moved to reconsider the vote by which the House on yesterday, passed Senate Bill, No. 86. An Act to ratify and confirm Order Number One Hundred and Seventy-Two of the Board of Supervisors of the City and County of San Francisco.
Mr. Wescott moved the previous question.
Mr. Conness insisted that under Standing Rule, Number Forty-Five, a member had a right to speak until the previous question had been put to the House, and handed the following amendment to the Clerk:

Provided, That at the expiration of fifty years from the passage of this act, should the city and county not have repaid the cost of said work prior to that time, then the said water works, with all the dams, flumes, aqueducts, pipes, buildings, engines, reservoirs, and appurtenances, and the revenues arising therefrom, shall absolutely, and without any condition, revert to the city and county of San Francisco.

The Speaker *pro tem.* ruled Mr. Conness out of order, and directed the Clerk not to read the amendment.
Mr. Conness appealed.
The House sustained the decision of the Chair by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Campbell, Conn, Crowell, Daggett, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Heston, Howe, Hundley, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Lewis, Lovell, Makins, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Tilton, Warner, Watson, Welty, Wescott, White, Williams, Wilson, and Yancey—51.
NOES—Messrs. Conness, Coombs, Curtis, Dunlap, Hawley, Hugg, Jenkins, King, Kungle, Maxson, O'Connor, Schmidt, Theller, and Wilkins—14.

On sustaining the previous question, Messrs. Conness, Schmidt, and Theller, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bowman, Campbell,

Conn, Coombs, Crowell, Curtis, Daggett, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Heston, Howe, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lovell, Maxson, McDermit, O'Connor, O'Rear, Pate, Phelps, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Stevenson, Tilton, Warner, Wescott, Williams, and Yancey—45.

Noes—Messrs. Bailey of Tuolumne, Conness, Dunlap, Ellis, Hugg, Jenkins, Lamar, Laspeyre, Lawrence, Lewis, Makins, Rogers of San Francisco, Schmidt, Shelton, Starr, Stone, Swan, Theller, Welty, White, Watkins, and Wilson—21.

On resonsideration, Messrs. Conness, Bailey of Tuolumne, and Howe, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Bowman, Conness, Daggett, Dunlap, Harville, Howe, Jenkins, Lamar, Laspeyre, Lawrence, Lewis, Makins, McDermit, Rogers of San Francisco, Schmidt, Shelton, Stone, Swan, Theller, Watson, Wilkins, Wilson, and Yager—24.

Noes—Messrs. Babcock, Bailey of Santa Clara, Beach, Campbell, Conn, Coombs, Crowell, Curtis, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Hawley, Hayes, Henry, Heston, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lovell, Maxson, O'Connor, Pate, Patten, Phelps, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Tilton, Warner, Welty, Wescott, White, Williams, and Yancey—47.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 29, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 319, An Act to authorize the Sale of certain Real Estate by Guardians.

J. R. BEARD,
Secretary of the Senate.

SENATE CHAMBER,
Friday, March 30, 1860.

Mr. SPEAKER:—The Senate this day adopted Senate Concurrent Resolution, No. 44, Relative to the Sixteenth and Thirty-Sixth Sections of Land donated to the State for School purposes.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No. 44, above reported, adopted.

SENATE CHAMBER,
Friday, March 30, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 251, An Act granting further Powers to the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco;

Also, Senate Bill, No. 252, An Act to fix the Compensation of the County Judge of Tulare County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 251, above reported—read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 252, above reported—read first and second times, and placed on file.

SENATE CHAMBER,
Friday, March 30, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Friday, March 30, 1860.

Mr. SPEAKER:—The Senate have this day passed Assembly substitute for Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for the crossing of Brockliss Bridge, on the Sacramento and El Dorado Wagon Road.

J. R. BEARD,
Secretary of the Senate.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 127, An Act to authorize Chas. B. Polhemas, Robert Allen, John Perry, Jr. and W. Southwick, their Associates and Assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon;

Also, Assembly Bill, No. 304, An Act to regulate the Salary of the County Judge of Mariposa County;

Also, Assembly Bill, No. 311, An Act to amend "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Assembly Bill, No. 315, An Act to extend the Provisions of an Act entitled "An Act to change the time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 316, An Act concerning the Office of Public Administrator in Solano County;

Also, substitute for Assembly Bill, No. 181, An Act to audit and allow a Claim of B. F. Hastings;

Also, Assembly Bill, No. 192, An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the Right of Way for the same;

Also, Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

B. T. O'REAR,
For the Committee.

GENERAL FILE.

Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnett—was considered in the Committee of the Whole, reported and recommended, read third time, and passed.

Assembly Bill, No. 179, An Act supplementary to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight—amendment adopted.

Mr. Maxson moved to suspend the rules to consider the bill engrossed.

Upon which, Messrs. Rogers of San Francisco, Pate, and Theller, demanded the ayes and noes, and the rules were suspended by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Coombs, Curtis, Goodman, Gwinn, Haliday, Hammond, Harville, Hawley, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lawrence, Lewis, Lovell, Makins, Maxson, McDermit, O'Rear, Rodgers of Tuolumne, Smith of Sutter, Stevenson, Stone, Swan, Warner, Watson, Welty, White, Wilkins, Williams, Wilson, Yager, and Yancey—45.

Noes—Messrs. Conness, Crowell, Daggett, Ellis, Lambert, O'Connor, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Shattuck, Smith of Nevada, Theller, Tilton, and Wescott—16.

The bill was read third time.

On its passage, Messrs. Rogers of San Francisco, Howe, and Tilton, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Coombs, Crowell, Curtis, Ellis, Goodman, Gwinn, Haliday, Hammond, Harville, Hawley, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Laspeyre, Lewis, Lovell, Makins, Maxson, O'Connor, O'Rear, Rogers of San Francisco, Rodgers of Tuolumne, Starr, Stevenson, Stone, Swan, Warner, Watson, Welty, White, Wilkins, Williams, Wilson, and Yancey—47.

Noes—Messrs. Daggett, Lambert, Lawrence, McDermit, Pate, Patten, Phelps, Sawyer, Shattuck, Smith of Sutter, Theller, Tilton, and Wescott—13.

Mr. Rogers of San Francisco gave notice of reconsideration.

Senate Substitute for Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to or near the City of Sacramento, in the County of Sacramento, for the purpose of Supplying the Inhabitants of said County with Water for drinking and other uses—was amended, read third time, and passed.

Assembly Bill, No. 230, An Act in relation to the Indians—was made special order for Friday April sixth, one thousand eight hundred and sixty, at ten minutes past one, P. M. and every day thereafter until disposed of.

The following message was received from the Senate.

Senate Chamber,
Saturday, March 31, 1860.

Mr. Speaker:—The Senate on yesterday concurred in Assembly amendments to Senate Bill, No. 95, An Act for Opening and Repairing Roads in the County of Sutter;

Also, have refused to concur in Assembly amendments to Senate Bill, No. 89, An Act to create the Office of State Geologist, and define the Duties thereof;

Also, have adopted Senate Concurrent Resolution, No. 46, Relative to leave of absence to Charles Lindlay, County Judge of Yuba County;

Also, have passed Assembly Bill, No. 350, An Act to provide for the Compensation of the Keeper of the County Jail, in the County of Trinity, and the payment of such Service from the first day of November, one thousand eight hundred and fifty-eight, with amendments;

Also, have concurred in Assembly amendments to Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds, and cancel Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to recede from its amendments to Senate Bill, No. 89, above reported, and appointed Messrs. Conness, Williams, and Smith of Nevada, a Committee of Free Conference.

The House concurred in Senate Concurrent Resolution, No. 46, above reported.

The House concurred in Senate amendment to Assembly Bill, No. 350, and further amended.

Mr. Pate made the following report:

Mr. SPEAKER:—Your committee appointed under a Joint Resolution of the Assembly and Senate, to take under consideration the propriety of receiving and suitably entertaining the Japanese Embassy, respectfully report that they have duly considered the same, and would recommend the appointment of a committee of two to wait upon the Embassy, and invite them to visit the capital, and would suggest the propriety of their expenses being borne by the State during their stay at the capital.

PATE,
STEVENSON.
House Committee.

On its adoption, Mr. Johnson of Sierra, moved the previous question, which was sustained, and the House refused to adopt.

Mr. White moved to adjourn.

Lost.

Mr. Warner offered the following amendment to Rule Fifty-Seven:

Amend Rule Fifty-Seven by adding after the word "day," in fifth line, as follows: "Which notice may be in writing, and sent or handed to the Speaker, who shall read, or cause the same to be read by the Clerk, before putting any other question or motion after the same shall have been sent or handed him, nor shall a motion to adjourn be in order, until such notice shall have been read; but nothing in this rule shall be construed to deprive any member who voted in the majority from moving for a reconsideration of the vote within the next two days of actual session, if the subject matter shall be in the possession of the House.

Lost.

Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations, for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and the several Acts amendatory thereof—was read third time and passed.

Assembly Joint Resolution, No. 1, Relative to the state of the Union—laid on table.

Mr. Sawyer moved to adjourn.
Lost.

REPORTS.

Reports were made as follows:
By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Appendix	495	15 cts.	$74 25
Appendix New	544	15	81 60
For Printer, etc	1,461	10	146 10
Total	2,500		$301 95

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and one dollars and ninety-five cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.
By Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteenth, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine, have had the same under consideration, and report the same back, without amendment, and recommend the passage of the same.

SAWYER,
For the Delegation.

Mr. Pate moved to adjourn.

Upon which, Messrs. Hugg, Wilkins, and Bell, demanded the ayes and noes, and at half past one o'clock, P. M. the House adjourned by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bell, Bowman, Conness, Daggett, Goodman, Haliday, Halsted, Hammond, Hawley, Hayes, Heston, Howe, Johnson of Amador, Lambert, Maxson, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon,

Smith of Nevada, Stone, Swan, Warner, Wescott, White, Williams, Wilson, and Yancey—35.

Noes—Messrs. Campbell, Crowell, Ellis, Harville, Hugg, Johnson of Sierra, Kungle, Lamar, Lewis, Lovell, Makins, Malarin, Smith of Sutter, Starr, Stevenson, Welty, Wilkins, and Yager—17.

IN ASSEMBLY.

House of Assembly,
Monday, April 2, 1860.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the Chair.

The Roll was called.

Quorum present.

The Journal of Saturday last was read and approved.

Leave of absence was granted as follows:

To Mr. Schmidt, indefinite leave; Messrs. Wescott and Ellis, two days each, and Messrs. Shelton, O'Connor, Lawrence, Phelps, Yancey, and the Assistant Sergeant-at-Arms, one day each.

REPORTS.

Reports were made as follows:

Mr. Lamar made the following Minority Report, from the Special Committee on Indian Affairs, and nine hundred and sixty copies ordered printed.

Mr. Speaker:—Dissenting from some portions of the report made by a majority of the Committee on Indian Affairs, I deem it my duty to give expression to the views I entertain in regard to the state of Indian affairs existing in Mendocino County, as disclosed by the testimony taken in relation thereto.

In referring to the authorized expedition against the Indians within the county aforesaid, during the past year, the majority of the committee, while exonerating the Governor from all blame, and even approving his course in ordering its organization, allege that there existed no necessity for it, thereby casting the blame upon the citizens who petitioned for protection. The evidence shows that the request made by the citizens of Round Valley to the Governor for assistance was induced by repeated depredations of the Indians upon their property. It is also shown that several white men had been killed by the tribes in that vicinity. It is not reasonable to suppose that men long accustomed to the hardships and dangers of frontier life, as are most of those inhabiting that region of country, would, without good and sufficient cause, call upon the Governor for assistance. It is true that there were, and are now, stationed in Round Valley a detachment of the Sixth United States Infantry, consisting of one Lieutenant and twenty-three men. But the general history of regular soldiers in Indian countries precludes any reasonable supposition that they were of any benefit whatever; besides, from the testimony of many respectable citizens of Round Valley, the conclusion is irresistable that the detachment there stationed is nothing more than a substantial definition of the word *nuisance*. From having perused the petition sent to the

Governor, and from the evidence taken by the committee, I am convinced that correct representations were made by the citizens, and that the Governor very properly exercised his authority in granting the prayer of the petitioners.

In the majority report is contained the following language: "In relation to the recent difficulties between the whites and Indians in Mendocino County, your committee desire to say that no war, or a necessity for a war, has existed or at the present time does exist. We are unwilling to dignify by the term *war* the slaughter of beings who at least possess the human form, and who make no resistence and make no attacks either on the persons or residences of the citizens." According to *this* representation no white man has been killed or attacked by these Indians. The uncontroverted evidence before the committee, and before the world, proves the contrary to be true. It is shown that white men have not only been, without provocation, attacked, but killed by the Indians in Mendocino County. It will likewise be seen from the testimony of the Lieutenant in command of the regular forces in Round Valley, that upon one occasion these Indians even dared to resist him and his troops, and that in the battle one of his men was wounded, of which wound he has since died. I might mention other instances to show that they are not such innocent and entirely *harmless creatures*, but I have alluded particularly to the testimony of the Lieutenant because from the overweening partiality he has exhibited for the *poor Indian*. The fact comes from him as an admission rather than positive information. It matters not by what specific term the majority of the committee are willing or unwilling to *dignify* the state of affairs that exists between the whites and Indians in Mendocino County, the evidence, which is made a part of their report, proves that depredations have been committed, and are still being perpetrated, to which no white men have ever or will ever submit without retaliating.

From an estimate made under oath by a respectable citizen of Round Valley, (Mr. George White,) the property destroyed by the Indians in that valley and its vicinity, amounts in value to about one hundred and fifty thousand dollars. This consisted of different kinds of live stock—horses, hogs, sheep, and cattle. That species of property comprises the greater portion of the wealth of Mendocino County; and the time and energies of her people are devoted almost exclusively to the raising of stock. Upon such means they are almost entirely dependent for the support of themselves and their families, and however indifferently *Indian sympathizers* may regard their losses, it is to the citizens of Mendocino a matter of serious import to suffer the ruthless destruction of their almost only means of subsistence.

Among the retaliatory attacks made by the whites upon the Indians, there are one or two instances in which some of the former were guilty of the most inhuman and barbarous conduct. The testimony will disclose the guilty parties, and from the just indignation of outraged humanity I have no desire to screen them; but for the mass of the citizens engaged in this Indian warfare, I claim that they have acted from the strongest motives that govern human action—the defense of life and property. They have no desire, nor do they attempt, to evade the most rigid scrutiny into their conduct. The majority of the committee have been excessively severe in their animadversions toward the citizens of Long Valley, and I deem it but justice to them that the *whole* truth should be told. The Indians who have infested that region since September last, and who have been incessantly engaged in the commission of

depredations upon the stock, are the Yukas—a portion of the same tribe with whom the citizens of Round Valley and vicinity have been so long and grievously troubled.

Up to the time that the committee visited Mendocino County, the evidence shows that about ten thousand dollars worth of stock belonging to the citizens of Long Valley, had been destroyed by these Indians. As to the evidence of their guilt, there can be no doubt; for one witness swears to having had ocular demonstration of the act of killing, and one or two swear to having counted in one evening forty-eight carcasses of cattle lying near together, with arrows, and points of arrows, in them. Such evidence goes to prove that those Indians kill stock, not only—as a majority of the committee assert—as a means of subsistence, but from a wanton spirit of innate deviltry.

Again, as to the particular tribe chargeable with these crimes, there can be no mistake, as a portion of the testimony discloses the fact that the Indians residing in Long Valley are peaceable and inoffensive, but that the Yukas have communicated threats of their determination to kill white men and their herds, and to burn every house in the valley. Such evidences of Indian guilt are held by frontier men to be admissible, competent, and conclusive, and they shun no responsibility that attaches to their actions, based upon such proof. They have, time after time, sought of the proper authorities that protection which is due them as tax-paying and loyal citizens, but have been as often repulsed, consequently they had no alternative but to rely upon their own strong arms and unerring rifles. They have now an organization of their own for their mutual protection, and neither the howlings of pseudo-philanthropists, nor the malignant denunciations of a slanderous press, will deter them from exercising the right of self defense. The State Government may pass laws, and the General Government send troops, for the protection of the Indians, but until the frontier settler is first secured against their depredations, all will be unavailing.

Within the county of Mendocino there are, according to the most correct estimates which can be made, about ten thousand Indians. Two thousand seven hundred of that number are located upon the Mendocino Reservation, and about five hundred upon the Nome Cult Farm, in Round Valley, leaving six thousand eight hundred uncared and unprovided for by the General Government. Some of the tribes living outside of the reserves and in the more thickly populated portions of the county, are what might be properly termed domesticated Indians. These are harmless, peaceable, and inoffensive. A great number of them are employed by the settlers, and receive liberal compensation for their labor. It is my opinion, that if a proper policy were adopted by the General and State Governments for the control, management, and protection, of these Indians, they would soon become useful to themselves and to the community. I will, in this connection, venture to indicate the outlines of what I conceive should be the general policy in regard to the Indians in this State. The General Government should first cede to the State of California the entire jurisdiction over Indians and Indian affairs within our borders, and make such donations of land and other property and appropriations of money as would be adequate to make proper provision for the necessities of a proper management.

The State should, then, adopt a general system of peonage or apprenticeship, for the proper disposition and distribution of the Indians by families among responsible citizens. General laws should be passed regulating the relations between the master and servant, and providing for

the punishment of any meddlesome interference on the part of third parties. In this manner the whites might be provided with profitable and convenient servants, and the Indians with the best of protection and all the necessaries of life in permanent and comfortable homes. By the adoption of such a policy, most of the Indians now on the reservations, and those termed domesticated, residing among the whites, might be speedily provided for. It would be necessary to sustain the reserves a few years longer, in order that the wild tribes might be gathered in upon them, and kept until disposed of as apprentices. This course I am apprehensive would be denounced by those who affect to believe in the doctrine of universal equality; but a long acquaintance with the nature, character, and habits, of the California tribes, suggest to me that the policy toward the Indians, which I have endeavored to delineate, would be the most ameliorative of the sad condition of that ill-fated race, and as a matter of political economy, worthy of our serious consideration.

LAMAR.

The following report was made by Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 208, An Act authorizing Gabriel Allen, John S. Griffin, James B. Winston, and J. C. Welch, to build and construct a Turnpike Road, from the Ex Mission of San Fernando, to the Arroya de Santa Clara, in Los Angeles County;

Also, Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties;

Also, Assembly Bill, No. 281, An Act supplemental to an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven.

BEACH,
Chairman.

GENERAL FILE.

Assembly Bill, No. 287, An Act to repeal "An Act extending the privilege of the Homestead Law to certain Persons, and to regulate the creation of the same."

Mr. Conness moved to lay the bill on the table.

On which, Messrs. Hayes, Beach, and Harville, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bell, Conn, Conness, Fairchild, Goodman, Gwinn, Howe, Hugg, Johnson of Amador, Kungle, Lovell, Malarin, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Theller, and Tilton—18.

NOES—Messrs. Bowman, Burson, Compbell, Coombs, Crowell, Dunlap, Haliday, Hammond, Harville, Hawley, Hayes, Jenkins, Lamar, Lambert, Laspeyre, Lewis, Makins, Maxson, McDermit, O'Rear, Pate, Patten, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Watson, White, Williams, and Wilson—33.

On the adoption of the substitute, Messrs. Williams, Burson, and Crowell, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Beach, Bowman, Burson, Campbell, Coombs, Crowell,

Dunlap, Haliday, Harville, Hayes, Jenkins, Lamar, Lambert, Laspeyre, Lewis, Makins, Maxson, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, White, and Williams—32.

Noes—Messrs. Bailey of Tuolumne, Bell, Conness, Fairchild, Goodman, Gwinn, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lovell, Malarin, Rodgers of Tuolumne, Theller, Warner, Watson, and Wilson—21.

Mr. Smith of Nevada moved the previous question.

Sustained.

On ordering the bill engrossed, Messrs. Beach, Henry, and Howe, demanded the ayes and noes, and the House so ordered, by the following vote:

Ayes—Messrs. Bowman, Burson, Coombs, Crowell, Dunlap, Haliday, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Jenkins, Lamar, Lambert, Laspeyre, Lewis, Makins, Maxson, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Sawyer, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, White, and Williams—34.

Noes—Messrs. Bailey of Tuolumne, Beach, Bell, Goodman, Gwinn, Howe, Johnson of Amador, Johnson of Sierra, Kungle, Lovell, Malarin, Rodgers of Tuolumne, Theller, Warner, and Wilson—15.

Assembly Bill, No. 294, An Act to abolish the Office of Quartermaster-General.

Mr. Laspeyre moved to amend by striking out "Secretary of State," and inserting "Controller."

Lost.

Mr. Starr moved to strike out "Secretary of State," and inserting "the Captain of a company at the capital holding the oldest commission."

Lost.

On ordering the bill engrossed, Messrs. Beach, Lamar, and Jenkins, demanded the ayes and noes, and the House so ordered by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Bowman, Conness, Coombs, Crowell, Dunlap, Fairchild, Goodman, Gwinn, Haliday, Hawley, Hayes, Howe, Hugg, Johnson of Amador, Lambert, Lovell, Makins, Maxson, O'Rear, Pate, Rogers of San Francisco, Shannon, Starr, Stone, Tilton, Warner, White, and Williams—29.

Noes—Messrs. Beach, Bell, Burson, Campbell, Conn, Hammond, Harville, Henry, Jenkins, Kungle, Lamar, Laspeyre, Lewis, Malarin, McDermit, Patten, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Stevenson, Swan, Theller, Watson, Wilkins, and Wilson—26.

Assembly Bill, No. 312, An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four—amended, rules suspended, considered engrossed, read third time and passed.

Mr. Smith, of Sutter, made the following report:

Mr. Speaker:—The Committee on Swamp and Overflowed Lands, to whom Senate Bill, No. 40, An Act for the Reclamation and Disposal of

the Swamp and Overflowed Lands was referred, report the same back, and recommend its passage.

SMITH of Sutter,
LASPEYRE,
C. YAGER,
R. B. ELLIS,
T. M. HESTON.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 30th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer.

JOHN G. DOWNEY
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Monday, April 2, 1860.

Mr. SPEAKER:—The Senate on Saturday passed Senate Bill, No. 192, An Act to provide for the Collection of Delinquent Taxes, in the City and County of Sacramento.

J. R. BEARD,
Secretary of Senate.

SENATE CHAMBER,
Monday, April 2, 1860.

Mr. SPEAKER:—The Senate, on Saturday, passed Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora to levy a Special Tax for the benefit of the Fire Department;

Also, Assembly Bill, No. 380, An Act to provide for the Opening of a Channel across the Bar at the Mouth of the San Antonio Creek;

Also, Assembly Bill, No. 378, An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate;

Also, Assembly Bill, No. 166, An Act to provide for the better maintenance of the Indigent Sick of Calaveras County;

Also, have concurred in first, second, sixth, seventh, and eighth, Assembly amendments to Senate Bill, No. 5, An Act to authorize the Establishment of County Infirmaries for the relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five; and have refused to concur in the third, fourth, fifth, and ninth, amendments;

Also, have concurred in Assembly amendments to Senate substitute for Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to or near the City of Sacramento, in the County of Sacramento, for the purpose of supplying the Inhabitants of said County with Water for drinking and other uses.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House refused to recede from Assembly amendments to Senate Bill, No. 5, above reported, and appointed Messrs. Sawyer, Harville, and Hayes, a Committee of Free Conference.

SENATE CHAMBER,
Monday, April 2, 1860.

Mr. SPEAKER:—The Special Joint Committee of the Senate and Assembly, appointed to visit the vicinity of Round Valley, in Mendocino County, made their report to the Senate on Friday, March thirtieth, and ordered nine hundred and sixty copies printed for the use of both Houses.

D. J. WILLIAMSON,
Assistant Secretary.

Mr. Goodman gave notice of the introduction of a bill for An Act to provide for the Draining or Reclamation of certain Swamp and Overflowed Lands therein named.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Beach, An Act for the benefit of Married Women.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams, An Act to provide for the Survey and Improvement of the Harbor of San Francisco.

Read first and second times, and ordered printed.

On referring the bill to the Committee on Commerce and Navigation, Messrs. Pate, Rogers of San Francisco, and Burson, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Bowman, Crowell, Gwinn, Haliday, Halsted, Henry, Heston, Hugg, Jenkins, Johnson of Sierra, Lovell, Malarin, Sawyer, Smith of Sutter, Starr, Stevenson, Stone, and Wilkins—19.

NOES—Messrs. Bailey of Santa Clara, Burson, Campbell, Conn, Ellis, Goodman, Hammond, Harville, Howe, Johnson of Amador, Kungle, Lamar, Lambert, Laspeyre, Makins, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Smith of Nevada, Swan, Tilton, Warner, Watson, White, Williams, Wilson, and Yager—31.

So the bill was temporarily laid on the table.

By Mr. Johnson of Amador, An Act to provide for the better Collection of Foreign Miners' License.

Read first and second times, and referred to the Committee on Mines and Mining Interests, and ordered printed.

By Mr. Wilkins, An Act for the Relief of certain Persons therein named.

Read first and second times, and referred to the Committee on Claims.

By Mr. Laspeyre, An Act to amend "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," passed April twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Yager, An Act granting appeals from the Board of Supervisors to the County Court in Contra Costa County;

Also, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee.

Also, An Act to authorize the Guardians of Alice Marsh to sell Personal Property at Private Sale.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Tilton, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Pay certain Claims.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Campbell, An Act to improve the Navigation of the Mokelumne River.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Gwinn, An Act to Legalize the Acts of the Public Administrator of the County of Yolo.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

FURTHER MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 2, 1860.

Mr. SPEAKER:—The Senate this day adopted Senate Concurrent Resolution, No. 48, Relative to extending our Hospitalities to the Japanese Ambassadors, and have appointed Messrs. De la Guerra, Peachy, and Wheeler, a committee on the part of the Senate.

D. J. WILLIAMSON,
Assistant Secretary.

Mr. Stone moved to lay the resolution, above reported, on the table:

Upon which, Messrs. Rogers of San Francisco, Tilton, and Kungle, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bowman, Burson, Campbell, Conness, Coombs, Crowell, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hayes, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Laspeyre, Makins, McDermit, O'Rear, Patten, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Stone, White, Wilkins, Williams, and Wilson—34.

NOES—Messrs. Babcock, Beach, Conn, Ellis, Fairchild, Henry, Lambert, Lewis, Lovell, Malarin, Maxson, Pate, Rogers of San Francisco, Sawyer, Shannon, Starr, Stevenson, Swan, Tilton, Watson, and Yager—21.

Mr. Rodgers of Tuolumne, offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the Legislature adjourn *sine die* on Tuesday at twelve o'clock, M. April twenty-fourth, A. D. one thousand eight hundred and sixty.

Mr. Babcock moved to lay the resolution on the table.

Upon which, Messrs. Howe, Rodgers of Tuolumne, and Crowell, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Beach, Crowell, Fairchild, Halsted, Hammond, Harville, Hayes, Henry, Lovell, Sawyer, Smith of Nevada, Smith of Sutter, Stevenson, Wilkins, and Wilson—16.

Noes—Messrs. Bailey of Santa Clara, Bell, Bowman, Burson, Campbell, Conn, Conness, Coombs, Ellis, Goodman, Gwinn, Haliday, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lewis, Makins, Malarin, Maxson, McDermit, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Starr, Stone, Swan, Tilton, Warner, Watson, White, Williams, and Yager—40.

On the passage of the resolution Messrs. Williams, Bailey of Tuolumne, and Shannon, demanded the ayes and noes, and the resolution was adopted by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bell, Bowman, Campbell, Conn, Conness, Coombs, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lewis, Makins, Malarin, Maxson, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Sutter, Starr, Stevenson, Stone, Swan, Tilton, Warner, Watson, White, Williams, Wilson, and Yager—49.

Noes—Messrs. Babcock, Crowell, Fairchild, Harville, Lovell, and Smith of Nevada—6.

At three o'clock, P. M. on motion of Mr. Beach, the House adjourned.

IN ASSEMBLY.

House of Assembly,
Tuesday, April 3, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Welty had four days leave of absence.
Mr. Sawyer moved to take from the table Senate Concurrent Resolution, No. 48, Relative to extending our Hospitalities to the Japanese Embassadors.
Lost.

PETITIONS.

Petitions were presented as follows:

By Mr. Burson, Of citizens of Humboldt County for release of Sureties of Jesse Wells.
Referred to Committee on Claims.

By Mr. Corvarrubias, Of citizens of Santa Barbara, relative to Charter of Santa Barbara.

Placed on file.

REPORTS.

Reports were made as follows:

By Mr. Johnson of Amador:

Mr. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill, No. 401, An Act to provide for the better Collection of Foreign Miners' License, have had the same under consideration, and respectfully report:

First—That, according to the best information that can be obtained, a large number of the Chinamen or Mongolians at work in the mines avoid the payment of the license prescribed by law.

Second—That the above bill, if passed, will greatly increase the revenue derived by the State and the several mining counties from foreign miners' license.

Your committee, therefore, recommend the passage of the bill.

P. C. JOHNSON,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bill, and find it correctly engrossed:

Assembly Bill, No, 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five.

B. T. O'REAR,
For the Committee.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of the Assembly, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal	508	15 cts.	$76 20
For Printer, etc	2,350	10	235 00
Totals	2,858	.....	$311 20

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and eleven dollars and twenty cents, payable out of the Contingent Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers of San Francisco, An Act to authorize the Executrix of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale.

Read first and second times and referred to the Judiciary Committee.

By Mr. Burson, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County.

Read first and second times and placed on file.

By Mr. Smith of Sutter, An Act to amend an Act entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, amended March thirty-first, one thousand eight hundred and fifty-four, and further amended April twenty-first, one thousand eight hundred and fifty-six.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. McDermit, An Act to provide for the issuance and payment of Bonds for expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

Read first and second times and referred to the Committee on Ways and Means.

By Mr. Lamar, An Act to authorize A. W. McPherson and those whom he may associate with him, to construct Wharfs and place Moorings in certain Rivers in this State.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Malarin, An Act to Incorporate the Town of San Juan, in Monterey County.

Read first and second times and referred to the Committee on Corporations.

Mr. Starr offered a Concurrent Resolution, Relative to Extra Pay to Michael Martin.

Referred to Committee on Accounts and Expenditures.

GENERAL FILE.

Assembly Bill, No. 262, An Act to declare the effect of Decrees of Divorce from Bed and Board—was read third time and passed.

Assembly Joint Resolution, No. 52, Relative to cession of certain Territory to the State of California by the Federal Government.

On its passage, Messrs. Johnson of Amador, Sawyer, and Warner, demanded the ayes and noes, and the resolution was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Ellis, Fairchild, Goodman, Halsted, Hammond, Harville, Hayes, Howe, Jenkins, Johnson of Amador, Lovell, Makins, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shelton, Smith of Nevada, Starr, Stevenson, Theller, Warner, Wescott, White, Wilkins, and Wilson—33.

NOES—Messrs. Bailey of Santa Clara, Burson, Conn, Conness, Dunlap, Haliday, Hawley, Hugg, Johnson of Sierra, Kungle, Lamar, Lambert,

Lewis, Malarin, Maxson, O'Connor, O'Rear, Smith of Sutter, Stone, Swan, and Williams—21.

Mr. Shelton gave notice of reconsideration.

Mr. O'Rear made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bill, and found it correctly engrossed:

Substitute for Assembly Bill, No. 287, An Act to repeal "An Act extending the Privileges of the Homestead Law to certain Persons, and to regulate the creation of the same," passed March fourteenth, one thousand eight hundred and sixty.

BEN. T. O'REAR,
For the Committee.

Assembly Bill, No. 247, An Act to prohibit the Sale of Chinese Persons of either Sex—was placed at foot of file.

Assembly Bill, No. 216, An Act amendatory of "An Act to amend an Act entitled 'An Act concerning the Office of Secretary of State,'" passed March twenty-sixth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 251, An Act to amend an Act entitled "An Act concerning Courts of Justice, and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Assembly Joint Resolution, No. 50, in relation to Fraudulent Land Grants.

Were read third time and passed.

Mr. Lamar gave notice of reconsideration of vote on Assembly Joint Resolution, No. 50.

Mr. Daggett made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend 'An Act to Regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven.

JOHN DAGGETT,
Chairman.

Assembly Bill, No. 246, An Act amendatory of "An Act to authorize the Formation of Corporations for constructing of Plank or Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three—was read third time and passed.

Senate Bill, No. 194, An Act to appropriate Money for the Purchase of certain City Lots, and a Dairy, for the State Insane Asylum—was considered in Committee of the Whole, reported with amendments, and passage recommended, amendments adopted, read third time and passed.

The House refused to pass Senate Bill, No. 136, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four.

Senate Bill, No. 107, An Act appropriating Money for the benefit of the Ladies' Seamen's Friend Society of San Francisco—was considered in

Committee of the Whole, and reported, with the recommendation that the bill be indefinitely postponed.

On the indefinite postponement, Messrs. Lawrence, Rogers of San Francisco, and Sawyer, demanded the ayes and noes, and the bill was indefinitely postponed by the following vote:

AYES—Messrs. Beach, Bowman, Burson, Campbell, Conn, Coombs, Ellis, Goodman, Gwinn, Haliday, Hammond, Harville, Hawley, Hayes, Henry, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Lewis, Makins, McDermit, O'Rear, Patten, Shannon, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Swan, White, Wilkins, Williams, and Wilson—37.

NOES—Messrs. Babcock, Conness, Dunlap, Fairchild, Gallagher, Lawrence, Lovell, Malarin, Maxson, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Starr, Theller, Wescott, and Yancey—19.

Assembly Bill, No. 212, An Act to exempt Persons who are, or may hereafter, become members of a Fire Company from the Payment of a Poll-Tax—amendments adopted, and bill read third time.

On its passage, Messrs. Conness, Sawyer, and Starr, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Burson, Dunlap, Ellis, Fairchild, Goodman, Halsted, Henry, Heston, Hugg, Johnson of Amador, Johnson of Sierra, Lambert, Lawrence, Lovell, Maxson, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shelton, Smith of Nevada, Smith of Sutter, Starr, Theller, Wescott, Wilkins, Wilson, and Yancey—35.

NOES—Messrs. Bailey of Tuolumne, Bowman, Campbell, Conn, Conness, Coombs, Gwinn, Haliday, Hammond, Harville, Hawley, Hayes, Howe, Jenkins, Kungle, Lamar, Lewis, Makins, Malarin, O'Connor, Shannon, Stevenson, Stone, Swan, Warner, Watson, White, and Williams—28.

Mr. Burson gave notice of reconsideration.

Senate Bill, No. 174, An Act to authorize the State Treasurer to receive and cancel certain Evidences of Indebtedness—was read third time and passed.

Assembly Bill, No. 280, An Act to amend an Act entitled "An Act concerning the Office of Surveyor-General"—was read third time and passed.

Assembly Bill, No. 342, An Act fixing the times at which Representatives in Congress shall be Elected—was laid on table.

Assembly Bill, No. 270, An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara and Sonoma, and to regulate the times of Settlement by them with the Controller and Treasurer of State.

Mr. Johnson of Sierra moved a call of the House.

Sustained.

Roll called.

Absent—Messrs. Covarrubias, Curtis, Fairchild, Halsted, King, Lamar, Laspeyre, Makins, and Pate.

On motion of Mr. Burson, further proceedings under the call were dispensed with, amendments adopted, rules suspended, bill considered engrossed, read third time and passed.

SPECIAL ORDER.

Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll-Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties for the year one thousand eight hundred and sixty, and the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada.

Mr. Smith of Nevada moved to amend by inserting "Nevada," in lines two and eight, after "Amador."

Upon which, Messrs. Smith of Nevada, Howe, and Gallagher, demanded the ayes and noes, and the amendment was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Burson, Daggett, Haliday, Hayes, Howe, O'Connor, Patten, Rodgers of Tuolumne, Smith of Nevada, Starr, Stevenson, Swan, Warner, White, Williams, and Yager—17.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Dunlap, Ellis, Gallagher, Goodman, Gwinn, Hammond, Harville, Hawley, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovell, Makins, O'Rear, Phelps, Rogers of San Francisco, Sawyer, Shannon, Shelton, Smith of Sutter, Stone, Theller, Tilton, Watson, Wescott, Wilson, and Yancey—40.

Mr. Patten moved to amend line thirty-two, in second section, by striking out "two thousand dollars" and inserting "one thousand five hundred dollars."

Lost.

Mr. Burson moved to insert Tehama and Colusa.

Lost.

Mr. Shannon moved the previous question.

Upon which, Messrs. Hayes, Shannon, and Smith of Nevada, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Crowell, Dunlap, Fairchild, Gallagher, Hammond, Harville, Hawley, Hayes, Heston, Johnson of Amador, Johnson of Sierra, Lambert, Lovell, Makins, O'Rear. Patten, Sawyer, Shannon, Shelton, Smith of Sutter, Stone, Theller, Tilton, Watson, Wescott, and Wilson—34.

NOES—Messrs. Bailey of Santa Clara, Burson, Daggett, Ellis, Goodman, Haliday, Howe, Hugg, Jenkins, Kungle, Lawrence, Lewis, O'Connor, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Nevada, Starr, Stevenson, Swan, Warner, White, Williams, and Yager—24.

The bill was read third time.

Upon its passage, Messrs. Burson, Bailey of Tuolumne, and Williams, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Burson, Campbell, Conness, Crowell, Daggett, Dunlap, Fairchild, Gallagher, Goodman, Harville, Hawley, Hayes, Heston, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovell, Makins, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer,

Shannon, Shelton, Starr, Stone, Theller, Tilton, Watson, Wescott, Wilson, and Yancey—40.

Noes—Messrs. Bailey of Santa Clara, Ellis, Haliday, Hammond, Jenkins, Lewis, McDermit, O'Connor, Phelps, Smith of Nevada, Stevenson, Swan, Warner, White, Williams, and Yager—16.

Mr. Gallagher moved to suspend the rules for the purpose of reconsidering the vote by which the bill passed.

Upon which, Messrs. Shannon, Gallagher, and Hayes, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conn, Conness, Crowell, Dunlap, Fairchild, Gallagher, Goodman, Gwinn, Harville, Hawley, Hayes, Heston, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovell, Makins, O'Rear, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Shelton, Stone, Theller, Tilton, Watson, Wescott, Williams, Wilson, and Yager—40.

Noes—Messrs. Bailey of Santa Clara, Burson, Daggett, Ellis, Haliday, Halsted, Hammond, Howe, Jenkins, Lewis, McDermit, O'Connor, Patten, Phelps, Smith of Nevada, Stevenson, Swan, White, and Yager—18.

And the House refused to reconsider the vote.

The House indefinitely postponed Assembly Concurrent Resolution, No. 65, Relative to Rescinding the New Almaden Resolution.

Mr. Goodman moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Bailey of Tuolumne, Coombs, Dunlap, Hawley, Heston, King, Lambert, Laspeyre, Lawrence, Pate, Shannon, Stone, Theller, Tilton, and Wescott.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

Mr. Lawrence moved to adjourn.

Upon which, Messrs. Conn, Williams, and O'Connor, demanded the ayes and noes, with the following result:

Ayes—Messrs. Babcock, Bell, Bowman, Campbell, Conness, Crowell, Fairchild, Gallagher, Gwinn, Halsted, Hammond, Henry, Johnson of Amador, Lawrence, Lovell, Malarin, Maxson, McDermit, O'Connor, O'Rear, Patten, Sawyer, Smith of Nevada, Stevenson, Theller, Warner, Watson, Wescott, and Wilson—29.

Noes—Messrs. Bailey of Santa Clara, Beach, Burson, Conn, Daggett, Ellis, Goodman, Haliday, Harville, Hayes, Howe, Hugg, Jenkins, Johnson of Sierra, Kungle, Lamar, Lambert, Lewis, Makins, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Smith of Sutter, Swan, Tilton, Williams, and Yager—28.

And so at half past two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 4, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. King had indefinite leave of absence.

The rules were suspended, and Assembly Bill, No. 361, substitute for Assembly Bills, Nos. 13, 18, 56, 135, 254, and 361, An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto—was taken up, considered in Committee of the Whole, reported with amendments, and passage recommended.

On suspending the rules to consider the bill engrossed, Messrs. Hugg, Goodman, and Campbell, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bowman, Burson, Coombs, Ellis, Hammond, Harville, Hayes, Hundley, Johnson of Amador, Lambert, Makins, Maxson, O'Connor, Pate, Rogers of San Francisco, Sawyer, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stone, White, Wilkins, and Williams—27.

NOES—Messrs. Bell, Campbell, Crowell, Goodman, Gwinn, Halsted, Howe, Hugg, Jenkins, Kungle, Laspeyre, Lewis, Lovell, McDermit, O'Rear, Patten, Phelps, Stevenson, Swan, Tilton, Warner, Wilson, and Yager—23.

Mr. Hugg moved a call of the House.
Carried.

Absent—Messrs. Babcock, Beach, Covarrubias, Daggett, Fairchild, Haliday, Henry, Heston, Johnson of Sierra, Lawrence, Malarin, Patten, Rodgers of Tuolumne, and Theller.

On motion of Mr. Lambert, further proceedings under the call were dispensed with.

Mr. Conness moved to strike out sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-seven, and twenty-eight.

Upon which, Messrs. Goodman, Crowell, and Wescott, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bell, Campbell, Conness, Crowell, Fairchild, Goodman, Gwinn, Halsted, Howe, Hugg, Jenkins, Johnson of Amador, Lamar, Lewis, Lovell, McDermit, O'Rear, Patten, Phelps, Sawyer, Shattuck, Stevenson, Swan, Theller, Tilton, Warner, Wilson, and Yager—29.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Burson, Conn, Coombs, Daggett, Ellis, Haliday, Hammond, Harville, Hayes, Hundley, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Makins, Maxson, O'Connor, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shannon, Smith of Nevada, Smith of Sutter, Starr, Stone, Wescott, White, Wilkins, Williams, and Mr. Speaker—34.

On ordering the bill engrossed, Messrs. Tilton, Jenkins, and Goodman, demanded the ayes and noes, and the House so ordered by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Burson, Conn, Coombs, Daggett, Ellis, Haliday, Harville, Hayes, Howe, Hundley, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Makins, Maxson, O'Connor, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Wescott, White, Wilkins, Williams, and Mr. Speaker—41.

Noes—Messrs. Bell, Campbell, Conness, Crowell, Fairchild, Goodman, Gwinn, Halsted, Hammond, Hugg, Jenkins, Lamar, Lewis, Lovell, Malarin, McDermit, Patten, Phelps, Theller, Tilton, Wilson, and Yager—22.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 298, An Act confering further Powers on the Board of Supervisors of the City and County of San Francisco;

Also, Assembly substitute for Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County, to Levy a Toll for the Crossing at Brockliss' Bridge, on the Sacramento and El Dorado Wagon Road.

JOHN DAGGETT,
Chairman.

Also:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 371, An Act to authorize the Board of Supervisors of the City and County of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay a certain Claim therein mentioned.

JOHN DAGGETT,
Chairman.

By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 179, An Act supplementary to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 312, An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 397, An Act to Legalize the Acts of the Public Administrator of the County of Yolo;

Also, Assembly Bill, No. 402, An Act to authorize the Guardian of Alice Marsh to sell Personal Property at private sale;

Also, Assembly Bill, No. 294, An Act to abolish the Office of Quartermaster-General.

BEN. T. O'REAR,
For the Committee.

SPECIAL ORDER.

Assembly Bills, Nos. 291, 352, 353, 354, and Joint Resolution, No. 64, in relation to the State Prison, the special order for the day—were taken up.

Mr. Laspeyre moved to postpone the special order to April tenth, at ten minutes past one, P. M.

Lost.

Mr. Lawrence moved to make them the special order for April thir-
Carried.
teenth, at ten minutes past one, P. M.

Mr. Rogers, of San Francisco, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred a concurrent resolution allowing an increased compensation to Michael Martin, Fireman of the lower fires of the capitol building, have had the same under consideration, and report the same back, and recommend that it be not adopted.

DANIEL ROGERS,
Chairman.

The resolution above reported was indefinitely postponed.

The following resolution was offered by Mr. Sawyer:

Resolved, That there be paid out of the Contingent Fund of the Assembly, to James Sweeny, Porter of the Judiciary Committee, Committee of Ways and Means, Claims, and other standing Committees, that meet in Garwood's Building, the sum of one dollar per diem in addition to the pay heretofore allowed him, the same to date from the commencement, and extending to the close of his term of service.

Laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, April 4th, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 264, An Act to declare Navigable certain Streams and Sloughs in Humboldt County;

Also, Senate Bill, No. 265, An Act to Legalize the Assessment Roll in the County of Plumas, for the year one thousand eight hundred and fifty-nine.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, Mo. 264, above reported—was read first and second times, and referred to the Humboldt Delegation.

Senate Bill, No. 265, above reported—was read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Monday, April 2, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 298, An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco;

Also, have concurred in Assembly Bill, No. 350, An Act to provide for the Compensation of the Keepers of the County Jails, in the Counties of Trinity and Napa, and the Payment of such Service from the first day of November, one thousand eight hundred and fifty-eight.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Wednesday, April 4th, 1860.

Mr. SPEAKER :—The Senate on March thirty-first passed Senate Bill, No. 244, An Act for the Education and Care of the Indigent Deaf, Dumb, and Blind, in the State of California ;

Also, have this day passed Senate Bill, No. 262, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March twenty-nine, one thousand eight hundred and sixty ;

Also, Senate Bill, No. 263, An Act to Change the Name of Jeremiah Gove Baker, to Henry Tiffany Baker.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 244, above reported—was read first and second times, and made special order for April seventh, at half past one, P. M.

Senate Bill, No. 263, above reported—was read first and second times, rules suspended, read third time and passed.

Senate Bill, No. 262, above reported—was read first and second times, amended by adding enacting clause, rules suspended, read third time and passed.

SENATE CHAMBER,
Wednesday, April 3, 1860.

Mr. SPEAKER :—The Senate on yesterday passed Assembly Bill, No. 371, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay, a certain Claim therein named ;

Also, Senate Bill, No. 259, An Act for the Survey of Logs, in the County of Humboldt ;

Also, Senate Bill, No. 221, An Act to audit and allow the Claim of J. J. Lecount ;

Also, Assembly substitute for Senate Bill, No. 184, An Act making Appropriations for deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June third, one thousand eight hundred and sixty, with an amendment ;

Also, have passed Assembly Bill, No. 244, An Act to Regulate the Care and Maintenance of the Indigent Sick, in and for the County of Yuba, with amendments ;

Also, have concurred in Assembly Concurrent Resolution, No. 67, Relative to Adjournment *sine die* on the twenty-fourth of April.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly substitute for Senate Bill, No. 184, above reported.

Senate Bill, No. 259, above reported—was read first and second times, rules suspended, read third time and passed.

The House concurred in Senate amendments to Assembly Bill, No. 244, above reported.

Senate Bill, No. 221, above reported—was read first and second times, and referred to the Committe on Claims.

SENATE CHAMBER,
Tuesday, April 3, 1860.

Mr. SPEAKER :—The Senate on yesterday adopted Senate Concurrent Resolution, No. 47, Relative to the Establishment of certain Mail Routes in the Northern portion of this State;

Also, Senate Concurrent Resolution, No. 50, Relative to a New Land District in California;

Also, Assembly Bill, No. 249, An Act concerning Taxes in Monterey County;

Also, Assembly Bill, No. 339, An Act to Regulate the Fees in Office in the County of Yuba;

Also, Assembly Bill, No. 290, An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolutions, Nos. 47 and 50, above reported, adopted.

Assembly Bill, No. 192, An Act to provide for the Construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the right of way for the same—read third time and passed.

Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water-Courses within their respective limits," passed May fifteen, one thousand eight hundred and fifty-four—amendments adopted, rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 358, An Act to provide for the Payment of Bounties for the destruction of Wild Animals—laid on the table.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Phelps, An Act to grant the right of way, and to authorize certain Persons therein named to lay down and maintain a Railway Tract within the limits of the City and County of San Francisco, and to run Cars thereon.

Read first and second times and referred to San Francisco Delegation.

By Mr. Burson, An Act to define and limit the Time in which Civil Judgments may be enforced.

Read first and second times, and referred to Judiciary Committee.

By Mr. Rogers of San Francisco, An Act amendatory of, and supplementary to, "An Act to regulate Proceedings in Civil Cases," passed April twenty-nine, one thousand eight hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

By Mr. Wescott, An Act supplemental to an Act entitled "An Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe Two Hundred Thousand Dollars to the capital stock of a Railroad Company, and to provide for the Payment of the same and other matters

relating thereto," approved April twenty-eight, one thousand eight hundred and fifty-seven.

Read first and second times and referred to the Yuba Delegation.

Also, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain Rights and Privileges," approved April twenty-four, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hayes, An Act to authorize the County of Nevada to retain the State's portion of the Poll-Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax which shall be collected in the said County for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of a certain Wagon Road over the Sierra Nevada.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Stevenson moved to amend the title by striking out the word "Nevada," upon which Messrs. Williams, Stevenson, and Bailey of Santa Clara, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs Bailey of Santa Clara, Haliday, Halsted, Hammond, Harville, Jenkins, Laspeyre, Lewis, McDermit, Phelps, Shattuck, Stevenson, Swan, Theller, Warner, Wilkins, Wilson, and Yager—18.

Noes—Messrs. Bell, Bowman, Burson, Campbell, Conness, Daggett, Dunlap, Ellis, Gallagher, Gwinn, Hawley, Hayes, Henry, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Lawrence, Lovell, O'Connor, O'Rear, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Nevada, Stone, Tilton, Watson, Wescott, White, Williams, and Mr. Speaker—34.

Mr. Harville gave notice to reconsider the vote by which the bill passed.

Mr. Williams moved to adjourn.

Lost.

Assembly Bill, No. 333, An Act to appropriate Money for the payment of small Accounts due from the Insane Asylum—substitute adopted, considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Senate Bill, No. 240, An Act to authorize Jeremiah J. Hollinsead to convey certain Real Estate—was read third time and passed.

Mr. Lawrence introduced a bill for An Act amendatory of, and supplementary to, an Act approved March seven, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming."

Read first and second times and referred to Judiciary Committee.

At four o'clock, P. M. on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 5, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Beach had one day's leave of absence.
On motion of Mr. Rogers of San Francisco, Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteen, one thousand eight hundred and sixty, was recommitted to the San Francisco Delegation.
Assembly Bill, No. 338, An Act to Incorporate the City of Santa Barbara—the rules were suspended, considered engrossed, read third time, and passed.
Assembly Bill, No. 358, An Act to provide for the Payment of Bounties for the Destruction of Wild Animals.
Mr. Stevenson moved to strike out the enacting clause.
Lost.
Mr. Lawrence moved to recommit the bill to the Committee on Agriculture.
Carried.
The House refused to engross Assembly Bill, No. 341, An Act concerning the Payment of Poll Taxes.
Assembly Bill, No. 327, An Act amendatory of "An Act defining the Legal Distances from each County Seat to the Capital, Lunatic Asylum, and State Prison," approved April twenty-four, one thousand eight hundred and fifty-eight—the rules were suspended, considered engrossed, read third time, and passed.

REPORTS.

Reports were made as follows:
By Mr. Hugg:

Mr. SPEAKER:—The Enrolling Committee have examined and found correctly enrolled, Assembly Bill, No. 378, An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate.

HUGG,
Chairman.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 299, An Act concerning Taxes in Monterey County;
Also, Assembly Bill, No. 390, An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society.

JOHN DAGGETT,
Chairman.

By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 270, An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara, San Joaquin, Napa, and Sonoma, and to regulate the Time of Settlement by them with the Controller and Treasurer of State;

Also, Assembly Bill, No. 409, An Act to authorize A. W. McPherson, and those whom he may associate with him, to construct Wharfs, and place Moorings in certain Rivers in this State.

BEN. O'REAR,
For the Committee.

Assembly Bill, No. 301, An Act appropriating Money for the Relief of Destitute Females in San Francisco—was considered in Committee of the Whole, amended, reported, and recommended, and amendments adopted.

Mr. Lambert moved to indefinitely postpone the bill.

Upon which, Messrs. Rogers of San Francisco, Babcock, and Laspeyre, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Bell, Bowman, Burson, Campbell, Coombs, Crowell, Daggett, Ellis, Goodman, Gwinn, Haliday, Hammond, Harville, Hawley, Hayes, Hundley, Jenkins, Lamar, Lambert, Laspeyre, Lewis, O'Rear, Patten, Shannon, Shelton, Smith of Nevada, Smith of Sutter, Stone, White, Williams, Yager, and Yancey—34.

Noes—Messrs. Babcock, Conness, Dunlap, Fairchild, Gallagher, Halsted, Howe, Hugg, Kungle, Lawrence, Lovell, Makins, Maxson, O'Connor, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Starr, Stevenson, Swan, Theller, Tilton, Warner, Wescott, Wilkins, and Mr. Speaker—29.

Mr. Williams moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 416, An Act to authorize the County of Nevada to retain the States' portion of the Poll-Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said County for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of a certain Wagon Road over the Sierra Nevada.

Upon which, Messrs. Williams, Bailey of Tuolumne, and Stevenson, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Conness, Coombs, Dunlap, Ellis, Gallagher, Goodman, Gwinn, Haliday, Hammond, Harville, Jenkins, Laspeyre, Lewis, Maxson, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Shelton, Stevenson, Stone, Swan, Theller, Watson, Watkins, Williams, and Yager—29.

Noes—Messrs. Babcock, Bailey of Tuolumne, Bell, Bowman, Burson, Campbell, Crowell, Daggett, Fairchild, Halsted, Hawley, Hayes, Howe, Hugg, Johnson of Sierra, Kungle, Lamar, Lambert, Lovell, Makins, O'Connor, O'Rear, Patten, Rogers of Tuolumne, Sawyer, Shannon, Smith

of Nevada, Smith of Sutter, Starr, Tilton, Wescott, White, Wilson, Yancey, and Mr. Speaker—35.

Assembly Bill, No. 295, An Act to allow the Claim of Daniel McLane—was ordered engrossed.

Assembly Bill, No. 282, An Act to amend an Act, passed May fourteen, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors"—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Substitute for Assembly Bills, Nos. 253 and 243, An Act to provide for the re-sale of Public Lands sold by the State on a credit, and declared Forfeited by reason of the non-payment of Interest and Principal—was recommitted to Committee on Public Lands.

Senate substitute for Assembly Bills, Nos. 51 and 101, An Act to repeal "An Act to authorize Married Women to transact Business in their own Name as Sole Traders," passed April twelve, one thousand eight hundred and fifty-two.

Mr. White moved to indefinitely postpone the bill.

Upon which, Messrs. Lawrence, Hawley, and Schmidt, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Campbell, Conness, Coombs, Crowell, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Hawley, Hundley, Kungle, Lambert, Laspeyre, Lewis, Lovell, Makins, Malarin, Maxson, McDermit, Pate, Phelps, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Starr, Theller, Tilton, Warner, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—41.

Noes—Messrs. Burson, Daggett, Dunlap, Ellis, Hayes, Hugg, Jenkins, Johnson of Sierra, Lamar, Lawrence, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Stevenson, Stone, Swan, and Wescott—20.

Senate Bill, No. 10, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight—was indefinitely postponed.

Senate Bill, No. 180, An Act to provide for the proper Registration and Canceling of the evidences of Indebtedness paid prior to the Term of the present State Treasurer—was considered in Committee of the Whole, reported and recommended, read third time, and passed.

The report of the State Prison Committee, adverse to the memorial of Daniel Green, was adopted.

Assembly Bill, No. 274, An Act to encourage the San Joaquin District Agricultural Society—was indefinitely postponed.

Assembly Bill, No. 302, An Act to amend an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four—amendments adopted.

Mr. Lamar moved to strike out the enacting clause.

Mr. Shannon moved the previous question.

Carried.

On striking out, Messrs. Crowell, Coombs, and Goodman, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Campbell, Con-

ness, Halsted, Hammond, Harville, Hawley, Howe, Hugg, Hundley, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, Pate, Patten, Rogers of San Francisco, Schmidt, Shannon, Shattuck, Starr, Stevenson, Stone, Tilton, Watson, White, Williams, and Mr. Speaker—34.

Noes—Messrs. Burson, Coombs, Crowell, Daggett, Ellis, Fairchild, Goodman, Gwinn, Hayes, Jenkins, Johnson of Sierra, Lewis, Maxson, O'Connor, Phelps, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Swan, Warner, Wescott, Wilson, and Yager—23.

The House refused to engross Assembly Bill, No. 346, An Act to exempt the Real Estate and Personal Property belonging to the Santa Clara Valley Agricultural Society from taxation.

Assembly Bill, No. 267, An Act to establish the University of California—was considered in Committee of the Whole, reported, and amendments adopted.

Mr. Conness moved to lay on the table.

Lost.

Mr. Conness moved to recommit the bill to the Committee on Education.

Carried.

REPORTS.

Reports were made as follows:

By Mr. Howe:

Mr. Speaker:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 344, An Act to create the County of Marshal, define the Boundaries, and provide for the Organization and Government thereof, have had the same under consideration, made amendments thereto, and report the bill back to the House, without recommendation.

ROBT. HOWE,
Chairman.

By Mr. Gwinn:

Mr. Speaker:—The Committee on Swamp and Overflowed Lands, to whom were referred Assembly Bills, Nos. 324, 325, and 329, have considered the same, and instructed me to report the same back to the Assembly, together with a substitute for the same, and recommend the passage of the substitute.

GWINN,
Chairman.

By Mr. Burson:

Mr. Speaker:—The undersigned, to whom was referred Senate Bill, No. 264, has had the same under consideration, and report the same back and recommend its passage.

L. M. BURSON.

The rules were suspended, and Senate Bill, No. 264, above reported, read third time and passed.

By Mr. Wescott:

Mr. Speaker:—The Yuba Delegation, to whom was referred Assembly

Bill, No. 418, An Act supplemental to an Act entitled "An Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of a Railroad Company, and to provide for the payment of the same," have had the same under consideration, and beg leave to report the same back to the House, and unanimously recommend its passage.

WESCOTT,
C. H. KUNGLE,
B. P. HUGG,
BEN. T. O'REAR,
J. M. CROWELL.

The rules were suspended, and Assembly Bill, No. 418, above reported, considered engrossed, read third time, and passed.

By Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims, have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

SAWYER,
For the Delegation.

Also:

Mr. SPEAKER:—The undersigned, members of the San Francisco Delegation, to whom was referred Assembly Bill, No. 19, have had the same under consideration, and report the same back, with a recommendation that it do pass.

SAWYER,
SAMUEL L. THELLER,
J. BABCOCK,
JOHN C. SCHMIDT.

The undersigned, members of said Delegation, recommend that said Bill do not pass.

B. T. PATE,
TILTON,
ROGERS,
PHELPS.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 5, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly substitute for Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for the crossing of Brockliss Bridge, on the Sacramento and El Dorado Wagon Road;

Also, Assembly Bill, No. 298, An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill, No. 371, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor

to audit, and the Treasurer to pay and allow, a certain Claim therein mentioned.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, April 5, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 167, above reported—read first and second times.

Mr. Lamar moved to make the bill the Special Order for Tuesday, April tenth, at half past one o'clock, and every day thereafter until disposed of.

Mr. O'Connor moved the previous question.

Carried.

Upon making it the Special Order, Messrs. Shannon, Burson, and Laspeyre, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bell, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Fairchild, Goodman, Gwinn, Halsted, Hammond, Hawley, Hayes, Henry, Hugg, Jenkins, Johnson of Sierra, Lamar, Lambert, Lovell, Makins, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Shelton, Smith of Sutter, Stevenson, Stone, Theller, Watson, Wescott, Wilkins, and Yancey—41.

NOES—Messrs. Bailey of Santa Clara, Burson, Ellis, Gallagher, Haliday, Harville, Howe, Hundley, Johnson of Amador, Kungle, Laspeyre, Lawrence, McDermit, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Warner, White, Williams, and Wilson—27.

Assembly Bill, No. 400, An Act to provide for the Survey and Improvement of the Harbor of San Francisco—was made special order for Tuesday, April tenth, at half past one, P. M. and every day thereafter.

Mr. Shannon gave notice of amendment to Ninth Standing Rule.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bailey of Tuolumne, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State, and the several Acts amendatory and supplementary thereto."

Read first and second times and referred to the Committee on Ways and Means;

Also, An Act to define and regulate the Relations of Landlord and Tenant.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wescott, An Act to change the Name of Henry Auguste Murrey to George Lewis Murrey.

Read first and second times and referred to Committee on Names.

By Mr. Halsted, An Act to extend the time for collecting Taxes in the County of Santa Cruz.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Jenkins, An Act for the Relief of Purchasers of Swamp and Overflowed Lands and other School Lands belonging to this State.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Tilton, An Act to amend "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Stevenson, An Act to amend an Act entiled "An Act to alter and define the Boundary Lines of Tehama County," passed April nineteenth, one thousand eight hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Daggett, An Act for the Relief of John T. Carey, Treasurer of Klamath County.

Read first and second times and referred to Committee on Claims.

GENERAL FILE, RESUMED.

Senate Bill, No. 69, An Act to amend an Act entitled "An Act to provide for the issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight," approved April sixteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento, by duplicate issue of certain Bonds of said City—were read third time and passed.

Mr. Daggett made the following report:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly substitute for Senate Bill, No. 184, An Act making Appropriations for deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

JOHN DAGGETT,
Chairman.

Senate Bill, No. 210, An Act to define and establish a portion of the Eastern Boundary of the State of California—was considered in Committee of the Whole, amended, reported, and recommended, amendments adopted, bill read third time, and passed.

Assembly Bill, No. 73, An Act to amend an Act entitled "An Act to provide for the Sale of the Sixteenth and Thirty-Sixth Sections of Land, donated to the State for School purposes by Act of Congress passed March third, one thousand eight hundred and fifty-three," approved April twenty-sixth, one thousand eight hundred and fifty-eight—was laid on the table.

Assembly Bill, No. 287, An Act to grant the right to construct a Bridge across Middle Eel River, Mendocino County, at or near the crossing of the Weaverville Trail, to certain parties therein named.

On ordering the bill engrossed, Messrs. Haliday, O'Connor, and Crowell, demanded the ayes and noes, and the House so ordered by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bell, Bowman, Campbell, Daggett, Dunlap, Ellis, Gallagher, Goodman, Halsted, Hammond, Harville, Hawley, Hayes, Henry, Jenkins, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lovell, Makins, McDermit, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Sawyer, Shannon, Smith of Sutter, Starr, Stevenson, Swan, Watson, Wescott, White, Wilkins, Williams, Wilson, and Mr. Speaker—41.

Noes—Messrs. Crowell, Haliday, Howe, Kungle, Rodgers of Tuolumne, Schmidt, Stone, and Tilton—9.

Mr. Pate moved to adjourn.

Upon which, Messrs. Kungle, Laspeyre, and Henry, demanded the ayes and noes, with the following result:

Ayes—Messrs. Bell, Bowman, Campbell, Conness, Daggett, Haliday, Halsted, Hammond, Hawley, Howe, Hundley, Kungle, Lamar, Lewis, McDermit, Pate, Phelps, Sawyer, Shannon, Shattuck, Stone, Swan, Tilton, Watson, White, Wilson, and Mr. Speaker—27.

Noes—Messrs. Bailey of Santa Clara, Crowell, Dunlap, Ellis, Gallagher, Groom, Harville, Hayes, Henry, Jenkins, Johnson of Sierra, Lambert, Laspeyre, Lovell, Makins, O'Connor, O'Rear, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Starr, Stevenson, Wescott, Wilkins, and Williams—25.

So, at three o'clock, P. M. the House adjourned.

IN ASSEMBLY.

House of Assembly,
Friday, April 6, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Messrs. Goodman and Campbell, had three days leave of absence, and Mr. Yager indefinite leave.

REPORTS.

Reports were made as follows:

By Mr. Henry:

Mr. Speaker:—The Committee on Commerce and Navigation, to whom

was referred Assembly Bill, No. 255, and Assembly Bill, No. 259, both having reference to the improvement of the Harbor of the City and County of San Francisco, beg leave to report them back without recommendation.

HENRY.

The bills above reported were made special order for Tuesday next, with other bulkhead bills.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the Office of Overseer, in each Township of the several Counties of this State to regulate Water-Courses within their respective Limits," passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 333, An Act to appropriate Money for the payment of small Accounts due from the Insane Asylum;

Also, Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto.

BEN. T. O'REAR,
For the Committee.

GENERAL FILE.

Senate Bill, No. 120, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Support of the Government of this State,'" approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five—was indefinitely postponed.

Senate Bill, No. 252, An Act to fix the Compensation of the County Judge of Tulare County—was read third time and passed.

The House refused to order engrossed Assembly Bill, No. 303, An Act to define the Boundaries and provide for the Organization of Lake County.

Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine—the rules were suspended, considered engrossed, read third time and passed.

The House refused to order engrossed Assembly Bill, No. 119, An Act appropriating Money for the Construction of a Wagon Road.

Mr. Hundley moved a call of the House.

Sustained.

Roll called.

Absent—Messrs. Bailey of Tuolumne, Heston, Lovell, Pate, Starr, White, Wilkins, and Yancey.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, one thousand eight hundred and fifty-seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine—was ordered engrossed.

Assembly Bill, No. 383, An Act concerning the Salary of the Judge of the Twelfth District Court;

Also, Assembly Bill, No. 364, An Act to exempt certain classes of Persons from paying Tolls on Bridges, Roads, and Ferries, in this State—the rules having been suspended, were considered engrossed, read third time and passed.

Assembly Bill, No. 175, An Act to amend an Act entitled "An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges;

Also, Assembly Bill, No. 401, An Act to provide for the better Collection of Foreign,Miners' License—were made special orders for April ninth, at half-past one, P. M.

Senate Bill, No. 229, An Act to authorize the Sale of certain Real Estate by Guardians;

Also, Assembly Bill, No. 208, An Act authorizing Gabriel Allen, John S. Griffin, James B. Winston, and J. C. Welch, to build and construct a Turnpike Road from the Ex-Mission of San Fernando, across the Mountains of San Fernando to the Arroya de Santa Clara, in Los Angeles County—were read third time and passed.

The House refused to order engrossed Assembly Bill, No. 218, An Act for the better Protection of Mining Claims in this State;

Also, Assembly Bill, No. 337, An Act to create the Office of State Marshal, define the Duties, and fix the Compensation thereof;

Also, Assembly Bill, No. 347, An Act to define the time for commencing certain Actions.

Assembly Bill, No. 94, An Act in relation to the Writ of Ne Exeat—the rules were suspended, considered engrossed, read third time and passed.

Mr. Sawyer made the following report:

Mr. Speaker:—The San Francisco Delegation, to whom was recommitted Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteenth, one thousand eight hundred and sixty, have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

SAWYER,
For the Delegation.

The House adopted amendments to Assembly Bill, No. 363, above reported, suspended the rules, considered bill engrossed, read third time and passed.

Assembly Bill, No. 200, An Act to establish the Rule of Evidence to be observed in the Courts of this State in certain cases concerning Titles to Lands.

On ordering the bill engrossed, Messrs. Williams, Theller, and Laspeyre, demanded the ayes and noes, and the House so ordered by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Crowell, Gwinn, Haliday, Halsted, Hammond, Henry, Howe, Hugg, Jenkins, Johnson of Sierra, Kungle, Lamar, Laspeyre, Makins, Maxson, O'Connor, O'Rear, Rodgers of Tuolumne, Schmidt, Shattuck, Smith of Sutter, Starr, Theller, Watson, Welty, Williams, Wilson, and Mr. Speaker—30.

NOES—Messrs. Beach, Bowman, Conn, Conness, Coombs, Covarrubias, Dunlap, Ellis, Gallagher, Harville, Hayes, Hundley, Johnson of Amador, Lambert, Lovell, McDermit, Pate, Phelps, Rogers of San Francisco, Sawyer, Shannon, Smith of Nevada, Stevenson, Stone, Swan, Warner, Wescott, and Wilkins—28.

SPECIAL ORDERS.

Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-nine, one thousand eight hundred and sixty, and other acts amendatory thereto—was read third time and passed.

Assembly Bill, No. 230, An Act in Relation to the Indians, also special order—was considered in Committee of the Whole.

After spending some time in the consideration of the bill, the committee rose, and had leave to sit again.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-two, one thousand eight hundred and sixty, have carefully examined the same, and report the bill back, and recommend its passage.

Assembly Bill, No. 407, An Act for the Benefit of Married Women, is reported back, and its passage recommended.

Assembly Bill, No. 410, An Act to authorize the Executrix of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale, is reported back, and its passage recommended.

Assembly Bill, No. 377, An Act concerning Primary Elections, is reported back, with the recommendation that it be referred to the delegation from San Francisco.

Assembly Bill, No. 417, An Act amendatory of, and supplementary to, an Act approved March seventh, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming," is reported back, and its passage recommended.

Assembly Bill, No. 419, An Act to define and limit the time in which Civil Judgments may be enforced, is reported back, with the recommendation that it do not pass.

Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Courts in Contra Costa County, is reported back, and its passage recommended.

Assembly Bill, No. 425, An Act to define and regulate the relation of Landlord and Tenant, is reported back, with the recommendation that it do not pass.

Assembly Bill, No. 414, An Act amendatory of, and supplementary to, "An Act to regulate Proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one, is reported back, and its passage recommended.

WILLIAMS,
Chairman.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts

have had under consideration the following accounts, and find them correct, and recommend their payment:

Purpose.	Amount.
The account of Geo. I. Lytle, for sundry Papers furnished members of the Assembly to March 31, 1860	$68 50
The account of C. W. Tozer, for twelve copies of "Observer," furnished members of the Assembly to April 6, 1860	36 00
The account of C. W. Tozer, for Postage Stamps furnised members of the Assembly to April 6, 1860	146 00
The account of King & Haun, for five copies of Sierra Citizen furnished members of the Assembly to April 6, 1860	20 00
The account of Hodge & Wood, for Stationery for the use of the Assembly, March 12, 1860	465 50
Total	$736 00

DANIEL ROGERS,
Chairman.

Adopted.

By Mr. Lamar:

Mr. SPEAKER:—Your committee to whom was referred Senate Bill, No. 246, An Act making an Appropriation for Deficiency in the Appropriation made for the salary of the Controller of State, for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty, have examined and approved the same, but, as in their opinion a legal question is involved, they recommend it be referred to the Judiciary Committee.

J. B. LAMAR,
Chairman.

By Mr. Fairchild:

Mr. SPEAKER:—Your committee on Public Morals, to whom was referred Senate Bill, No. 203, Relative to Log-Rolling and Lobbying;

Also, Assembly Bill, No. 286, entitled An Act to abate Public Nuisances, have had the same under consideration.

We hereby report them both back, with a recommendation that they both pass, with the amendment to each hereunto attached.

FAIRCHILD,
Chairman.

Mr. Stevenson verbally reported, without recommendation, Assembly Bill, No. 355, An Act to provide for the Pay of the Troops called out by the Governor of this State, to quell insurrection in the year one thousand eight hundred and fifty-six.

The bill was made the special order for April ninth, at half past one, P. M.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Sawyer:

Resolved, That no new business shall be introduced into this House, on and after the fourteenth instant, unless by unanimous consent.

Adopted.
Also:

Resolved, That the Controller of State be authorized to draw his warrant for the sum of thirteen dollars, in favor of J. T. Stocker, for mileage and services as witness before the Joint State Prison Committee, payable out of the Contingent Fund of the Assembly.

Adopted.
By Mr. Crowell:

Resolved, That the Controller is hereby authorized and required to draw his warrant on the Treasurer for the sum of seventy dollars, in favor of John Clark, for extra service incurred in his duties connected with the water-closets of the capitol, to be paid out of the Contingent Fund of the Assembly.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, April 6, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 268, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act declaring Certain Rivers and Creeks Navigable,'" passed February eighteenth, one thousand eight hundred and fifty-one; and to amend An Act amendatory thereto, passed May seventh, one thousand eight hundred and fifty-three, passed May fifteenth, one thousand eight hundred and fifty-four.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 268, above reported—was read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Friday, April 6, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for Paying certain equitable Claims against the State of California, and to contract a Funded Debt for that purpose;"

Also, Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 28, An Act concerning certain Acknowledgments of Deeds and other Instruments in Writing affecting Real Estate;

Also, Senate Bill, No. 226, An Act to audit and allow the Claim of Chas. A. Clark.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 226, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 220, above reported—was read first and second times, and referred to the Committee on Ways and Means.

SENATE CHAMBER,
Friday, April 6, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State;

Also, Senate Bill, No. 175, An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County;

Also, Senate Bill, No. 273, An Act to authorize Joshua Chadbourne and Josiah Bacon, to construct and maintain a Wharf, at Lakeville, in the County of Sonoma;

Also, Senate Bill, No. 249, An Act to provide for preparing a Catalogue of the State Library.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 249, above reported—was read first and second times, rules suspended, considered in Committee of the Whole, reported and recommended, rules suspended, read third time and passed.

Senate Bill, No. 273, above reported—was read first and second times, and referred to Sonoma Delegation.

Senate Bill, No. 175, above reported—was read first and second times, and referred to the Mendocino Delegation.

SENATE CHAMBER,
Friday, April 6, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the Regulation of the same.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 103, above reported—was read first and second times, and referred to the Committee on Public Buildings and Grounds.

SENATE CHAMBER,
Friday, April 6, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 14, An Act to pay the Claim of Mary Harrison, for services rendered at the State Insane Asylum, with amendments;

Also, Assembly Bill, No. 389, An Act to Legalize the Duplicate Assessment List of Los Angeles County;

Also, Assembly Bill, No. 402, An Act to authorize the Guardian of Alice Marsh to sell Personal Property at Private Sale;

Also, Assembly Bill, No. 397, An Act to Legalize the Acts of the Public Administrator of the County of Yolo;

Also, Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, approved March twentieth, one thousand eight hundred and fifty-five;"

Also, Assembly Bill, No. 321, An Act to authorize José de Jesus Pico

to sell certain Land in San Luis Obispo County, belonging to his Infant Children;

Also, Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their duties.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendment to Assembly Bill, No. 14, above reported.

SENATE CHAMAR,
Wednesday, April 4, 1860.

Mr. SPEAKER:—The Senate, on April fourth, appointed a Committee of Free Conference to act with a similar committee appointed by the Assembly on Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of the State," approved March thirty-first, one thousand eight hundred and fifty-five.

DAVID J. WILLIAMSON,
Assistant Secretary.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Laspeyre, An Act for the better protection of the Indians in this State.

By Mr. Johnson of Amador, An Act to amend the Act of April twenty-nine, eighteen hundred and fifty-seven, "to Provide Revenue from a Tax on Foreign and Inland Bills," etc. and all Acts amendatory of and suplementary thereto.

Mr. Smith, of Nevada, gave notice of an amendment to the first Standing Rule.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laspeyre, An Act to amend an Act entitled "An Act to fix the compensation of certain Officers in the Counties of San Joaquin and Alameda," approved April sixth, one thousand eight hundred and fifty-eight.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Williams, An Act concerning Apprentices and Servants.

Read first and second times, rules suspended, considered engrossed, recommitted with special instructions, reported, read third time, and passed.

By Mr. Sawyer, An Act concerning District Court Reporters for the Fourth, Sixth, and Twelfth, Judicial Districts.

Read first and second times, placed on file, and ordered printed.

By Mr. Gwinn, An Act making appropriation for deficiency in appropriation made for Clerk Hire in the Attorney-General's Office, for the Eleventh Fiscal Year.

Read first and second times, considered in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

The rules were suspended, and Assembly Bill, No. 381, An Act concerning the Infant Heirs of Bernard Yorba, deceased;

Also, Assembly Bill, No. 393, An Act authorizing the levy of a Special Tax in the County of Los Angeles—were considered engrossed, read third time, and passed.

Mr. Daggett offered the following resolution:

Resolved, That the Committee on Enrollment are hereby authorized to appoint an additional Clerk on Enrollment, whose compensation shall be eight dollars per day from the date of his appointment, to be paid out of the Contingent Fund of the Assembly.

Adopted.

At four o'clock, P. M., on motion of Mr. Howe, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 7, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Leave of absence was granted as follows, viz: to Mr. Lewis, indefinite leave, to Mr. O'Rear, three days, to Messrs. Tilton, Lawrence, Lamar, Campbell, and Goodman, two days each, and to Mr. Pate, one day.

Mr. Laspeyre offered a resolution for printing two thousand extra copies of reports of the Special Joint Committee on the Mendocino War.

Laid over under the rule.

On motion of Mr. Conness, the committee was instructed to inquire whether any of the testimony had been suppressed, and to report on Monday morning.

The amendment to the First Standing Rule offered by Mr. Smith of Nevada, on yesterday, was laid on the table.

GENERAL FILE.

The House refused to order engrossed Assembly Bill, No. 284, An Act to provide against Fraud in the Collection of Debt.

Senate Bill, No. 217, An Act to regulate the Compensation of the County Surveyors of Napa and Sonoma Counties—was read third time and passed.

Assembly Bill, No. 214, An Act for the Relief of W. J. Paugh, Sheriff of the County of Amador—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 379, An Act concerning Aliens—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 386, An Act to authorize the Treasurer of certain Counties of this State to retain one-half of the State's portion of the Taxes collected in those Counties for purposes of Internal Improvements.

Mr. Shannon moved to lay the bill on the table.

Upon which, Messrs. Stevenson, White, and Kungle, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bowman, Conness, Crowell, Curtis, Dunlap, Ellis, Gwinn, Hammond, Hawley, Howe, Hugg, Hundley, Johnson of Amador, Lambert, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Sutter, Starr, Stone, Theller, Wescott, Wilson, Yancey, and Mr. Speaker—32.

Noes—Messrs. Bailey of Santa Clara, Beach, Conn, Coombs, Covarrubias, Haliday, Halsted, Harville, Jenkins, Kungle, Laspeyre, Lovell, Makins, McDermit, Shattuck, Smith of Nevada, Stevenson, Swan Warner, Welty, White, and Williams—22.

REPORTS.

Reports were made as follows:

By Mr. Hugg:

Mr. Speaker:—The Committee on Engrossment have examined and found correctly enrolled Assembly Bill, No. 380, An Act to provide for the opening of a Channel across the Bar at the Mouth of the San Antonio Creek.

B. P. HUGG,
Chairman *pro tem.*

By Mr. Halsted:

Mr. Speaker:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 327, An Act amendatory to the "Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 282, An Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors, and Protection of Creditors;

Also, Assembly Bill, No. 295, An Act to allow the Claim of Daniel McLaren;

Also, Assembly Bill, No. 387, An Act to grant the right to Construct a Bridge across Middle Eel River, Mendocino County, at or near the crossing of the Weaverville Trail, to certain Parties therein named;

Also, Assembly Bill, No. 416, An Act to authorize the County of Nevada, to retain the State's portion of the Poll Tax, less that portion authorized by Law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said County for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of a certain Wagon Road over the Sierra Nevada;

Also, Assembly Bill, No. 338, An Act to Incorporate the City of Santa Barbara.

JAS. L. HALSTED,
For Committee.

Assembly Bill, No. 150, An Act to amend an Act entitled "An Act con-

cerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty.

On ordering the bill engrossed, Messrs. Sawyer, Theller, and Shannon, demanded the ayes and noes, and the House refused to engross the bill.

Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs running at large in certain Counties," passed April twenty-first, one thousand eight hundred and fifty-six—amendments adopted, and ordered engrossed.

Assembly Bill, No. 366, An Act appropriating Money for the relief of the Roman Catholic Asylum of Los Angeles.

Mr. Hundley moved to strike out the enacting clause.

Upon which, Messrs. Warner, Covarrubias, and Conn, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bowman, Burson, Ellis, Haliday, Hammond, Hawley, Howe, Hugg, Hundley, Jenkins, Kungle, Lambert, McDermit, Shannon, Shattuck, Smith of Nevada, Stone, Warner, White, and Wilson—21.

Noes—Messrs. Babcock, Bailey of Tuolumne, Bell, Conn, Conness, Coombs, Covarrubias, Crowell, Daggett, Halsted, Harville, Henry, Johnson of Sierra, Laspeyre, Lovell, Makins, O'Connor, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Starr, Stevenson, Swan, Theller, Welty, Wescott, and Mr. Speaker—29.

And, on motion of Mr. Lambert, the bill was indefinitely postponed.

Assembly Bill, No. 360, An Act to Incorporate District Agricultural Societies, and to repeal "An Act to Incorporate the State Agricultural Society," passed May thirteenth, one thousand eight hundred and fifty-four—substitute adopted.

Mr. Conness moved to strike out the tenth section.

Carried.

Mr. Warner moved to insert "Santa Barbara" in the first section.

Carried.

On motion of Mr. Laspeyre, the bill was recommitted to the Special Committee.

Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands—was made Special Order for April thirteenth, at half past one o'clock, P. M.

Substitute for Assembly Bill, No. 287, An Act to repeal "An Act extending the Privileges of the Homestead Law to certain Persons, and to regulate the creation of the same," approved March fourteenth, one thousand eight hundred and sixty.

Mr. Conness moved a call of the House.

Absent—Messrs. Bailey of Santa Clara, Bell, Haliday, Howe, Parker, White, Wilkins, and Yancey.

On motion of Mr. Shannon, further proceedings under the call were dispensed with.

Mr. Welty moved to indefinitely postpone the bill.

Upon which, Messrs. Stone, Conness, and Harville, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Conness, Daggett, Gallagher, Gwinn, Halsted, Hawley, Heston, Hugg, Johnson of Amador, Johnson of Sierra, Kungle, Lovell, McDermit, Rodgers of Tuolumne, Sawyer, Schmidt, Shelton, Theller, Watson, Welty, and Wilson—24.

Noes—Messrs. Bell, Bowman, Burson, Conn, Coombs, Covarrubias, Crowell, Dunlap, Ellis, Hammond, Harville, Hayes, Henry, Hundley, Jenkins, King, Lambert, Laspeyre, Makins, Maxson, O'Connor, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Wescott, Williams, and Mr. Speaker—35.

On the passage of the bill, Messrs. Welty, Beach, and Crowell, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Bowman, Burson, Coombs, Crowell, Dunlap, Ellis, Hammond, Harville, Hayes, Henry, Hundley, Jenkins, Lambert, Laspeyre, Makins, Maxson, O'Connor, Patten, Phelps, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Welty, Wescott, White, and Williams—33.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Conness, Covarrubias, Daggett, Fairchild, Gallagher, Gwinn, Halsted, Hawley, Heston, Howe, Hugg, Johnson of Amador, Johnson of Sierra, King, Kungle, Lovell, McDermit, Rodgers of Tuolumne, Schmidt, Theller, Watson, Wilson, and Mr. Speaker—27.

Mr. Welty gave notice of reconsideration.

Assembly Bill, No. 230, An Act in relation to the Indians—was taken from the Committee of the Whole, and referred to a Select Committee of five.

The Speaker appointed Messrs. Stevenson, Warner, Daggett, Conness, and Harville, the committee.

SPECIAL ORDER.

Assembly Bill, No. 244, An Act for the Education and Care of the Indigent Deaf, Dumb, and Blind, in the State of California, the special order of the day—was considered in Committee of the Whole, reported, and recommended, read a third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Welty:

Mr. Speaker:—The Committee on Public Buildings and Grounds, have had under consideration Senate Bill, No. 103, An Act for the Erection of of a Building for a State Reform School, and for the Regulation of the same, and report the same back with a recommendation that it pass.

WELTY,
Chairman.

By Mr. Jenkins:

Mr. Speaker:—Your Committee on Public Lands, to whom was referred Senate Bill, No. 332, An Act to provide for the Issue of Duplicates of School Lands purchased from this State in all cases where the originals have been lost or destroyed, have had the same under consideration, and beg leave to report the same back and recommend its passage;

Also, a majority of the same committee, to whom was referred Assembly Bill, No. 421, An Act for the Relief of Purchasers of Swamp and Overflowed Lands and School Lands belonging to this State, have had the

same under consideration, and report the same back with amendments, and recommend its passage as amended.

JENKINS,
Chairman.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the suppression of Indian Hostilities in the County of Mendocino, in this State.

JOHN DAGGETT,
Chairman.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined copying done for account of the Assembly, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Appendix	570	15 cts.	$85 50
For Printer, etc	1,170	10	117 00
Totals	1,740		$202 50

Your committee also recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and he is hereby authorized, to draw his warrant in favor of the Chief Clerk, J. M. Anderson, for the sum of two hundred and two dollars and fifty cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Carried.

By Mr. Welty:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 385, An Act concerning Goats found running at large in the County of Sacramento, report the same back, and recommend its passage.

WELTY,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Johnson of Sierra, An Act prescribing the mode of appointing Auctioneers, and defining their Duties.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Coombs, An Act authorizing the Board of Supervisors of Napa County to levy a Tax for certain purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Gwinn, An Act supplemental to an Act entitled "An Act to provide for the formation of Corporations for certain purposes," passed April fourteen, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 246, An Act making an Appropriation for Deficiency in Appropriation made for Salary of Controller of State for the Eleventh Fiscal Year ending June thirty, one thousand eight hundred and sixty—was considered in Committee of the Whole, reported, and recommended, read third time, and passed.

At half past two o'clock, P. M. on motion of Mr. Howe, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 9, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called.

Quorum present.

The Journal of Saturday last was read and approved.

Mr. Rogers of San Francisco and Mr. Henry, had one day leave of absence.

GENERAL FILE.

Assembly Bill, No. 411, An Act for the relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County—was considered in Committee of the Whole, and reported that the bill be referred to the Committee on Claims.

On referring the bill to the Committee on Claims, Messrs. Stevenson, Hundley, and Howe, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conn, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Hawley, Hugg, Jenkins, Lamar, Laspeyre, Makins, McDermit, O Connor, O'Rear, Patten, Rodgers of Tuolumne, Stevenson, Stone, Welty, White, Yancey, and Mr. Speaker—31.

NOES—Messrs. Burson, Conness, Covarrubias, Crowell, Fairchild, Gallagher, Harville, Hayes, Heston, Howe, Hundley, Johnson of Sierra, Kungle, Lambert, Lawrence, Lovell, Maxson, Pate, Phelps, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Swan, Walden, Watson, Wescott, Williams, and Wilson—32.

Mr. Stevenson moved to refer the bill to the Committee on Public Accounts and Expenditures.

Lost.

Mr. Stevenson moved to refer to the Committee on Public Morals.

Lost.

On suspending the rules to consider the bill engrossed, Messrs. Stevenson, Jenkins, and Haliday, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Covarrubias, Crowell, Fairchild, Hayes, Heston, Howe, Hundley, Johnson of Sierra, King, Kungle, Lambert, Lawrence, Lovell, Pate, Patten, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Walden, Watson, Wescott, and Williams—24.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Hugg, Jenkins, Lamar, Laspeyre, Makins, Maxson, McDermit, O'Connor, O'Rear, Phelps, Rodgers of Tuolumne, Shattuck, Shelton, Stevenson, Swan, Welty, White, Wilson, Yancey, and Mr. Speaker—37.

On ordering the bill engrossed, Messrs. Stevenson, Hawley, and Conn, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Campbell, Conness, Covarrubias, Crowell, Daggett, Fairchild, Gwinn, Hayes, Heston, Howe, Hundley, King, Lamar, Lovell, Maxson, Pate, Patten, Rodgers of Tuolumne, Schmidt, Shannon, Smith of Nevada, Smith of Sutter, Walden, Watson, Wescott, Williams, and Yancey—28.

NOES—Messrs Beach, Bell, Bowman, Conn, Dunlap, Ellis, Goodman, Haliday, Halsted, Hammond, Harville, Hawley, Hugg, Kungle, Lambert, Laspeyre, Lawrence, Makins, McDermit, O'Connor, O'Rear, Shattuck, Starr, Stevenson, Stone, Swan, Welty, White, Wilson, and Mr. Speaker—30.

Mr. Welty gave notice of reconsideration.

Mr. Lambert was appointed on the Committee of Ways and Means, in the place of Mr. Shelton excused.

Mr. Bailey, of Tuolumne, made the following report:

Mr. SPEAKER:—The Committee on Internal Improvements report Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the construction of a Wagon Road through the County of Santa Barbara, without recommendation.

T. M. HESTON,
S. W. BAILEY,
A. J. KING,
R. B. ELLIS.

Assembly Bill, No. 294, An Act to abolish the Office of Quartermaster-General.

On the passage of the bill, Messrs. Conness, Shannon, and Hugg, demanded the ayes and noes, and the House refused by the following vote;

AYES—Messrs. Conness, Coombs, Dunlap, Gwinn, Haliday, Harville, Hawley, Hayes, Howe, Hugg, Laspeyre, Lawrence, Lovell, Makins, Maxson, Pate, Shannon, and Williams—18.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bell, Bowman, Burson, Campbell, Conn, Covarrubias, Crowell, Daggett, Ellis, Fairchild, Gallagher, Goodman, Halsted, Hammond, Heston, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lambert, McDermit, O'Connor, O'Rear, Patten, Phelps, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Walden, Watson, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—47.

Mr. Bailey of Tuolumne, gave notice of reconsideration.

Mr. Beach made the following report:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 200, An Act to establish the Rule of Evidence to be observed in the Courts of this State in certain cases concerning titles to Lands;

Also, Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, one thousand eight hundred and fifty-seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 429, An Act making appropriation for Deficiency in appropriation made for Clerk Hire in the Attorney-General's Office for the Eleventh Fiscal Year;

Also, Assembly Bill, No. 364, An Act to exempt certain classes of Persons from paying Tolls on Bridges, Roads, and Ferries, in this State;

Also, Assembly Bill, No. 430, An Act to amend an Act entitled "An Act to fix the Compensation of certain Officers in the Counties of San Joaquin and Alameda," approved April sixth, one thousand eight hundred and fifty-eight.

BEACH,
Chairman.

Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Substitute for Assembly Bills, Nos. 324, 325, and 329, being bills in relation to Swamp and Overflowed Lands—was made special order for April twelfth, one thousand eight hundred and sixty, at ten minutes past one, P. M. and ordered printed.

Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the Regulation of the same—was considered in Committee of the Whole, reported and recommended, amended, and read third time.

On its passage, Messrs. Howe, Kungle, and Conn, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conness, Covarrubias, Crowell, Daggett, Ellis, Fairchild, Goodman, Gwinn, Hammond, Harville, Hayes, Heston, Hugg, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Schmidt, Shannon, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Watson, Welty, Wescott, and Yancey—47.

Noes—Messrs. Conn, Coombs, Dunlap, Haliday, Hawley, Howe, Smith of Nevada, Stone, Warner, Williams, and Wilson—11.

The Clerk was directed to report the bill to the Senate.

Mr. Fairchild offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker of the Assembly, to confer with a like number chosen by the Senate, to adopt measures to procure a flag suitable to our present national position

Adopted.

Senate Bill, No. 203, An Act in relation to Lobbying and Log-Rolling and to declare the same to be a Misdemeanor.

Mr. Shannon moved to strike out the words "log-rolling," wherever it occurs in the bill.

Carried.

Mr. King moved to strike out the enacting clause.

Upon which, Messrs. Burson, Starr, and Smith of Nevada, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Beach, Bell, Bowman, Conness, Coombs, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Goodman, Haliday, Halsted, Hammond, Harville, Hawley, Hayes, Hugg, Jenkins, Johnson of Sierra, King, Lamar, Lambert, Lawrence, Lovell, Makins, McDermit, O'Rear, Patten, Schmidt, Smith of Nevada, Stone, Swan, Walden, Watson, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—41.

NOES—Messrs. Bailey of Tuolumne, Burson, Johnson of Amador, Kungle, Laspeyre, Maxson, O'Connor, Pate, Phelps, Shannon, Shattuck, Starr, Stevenson, Warner, and Williams—15.

The House refused to engross Assembly Bill, No. 419, An Act to define and limit the time in which Civil Judgments may be enforced.

SPECIAL ORDER.

Assembly Bill, No. 344, An Act to create the County of Marshall, define the Boundaries, and provide for the Organization and Government thereof—the special order of the day, was taken up.

Mr. Bell moved to strike out the enacting clause.

Upon which, Messrs. White, Stone, and Conness, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Burson, Conness, Coombs, Dunlap, Haliday, Halsted, Hammond, Hawley, King, Lambert, Maxson, O'Connor, Sawyer, Shannon, Watson, and Wescott—21.

NOES—Messrs. Bowman, Campbell, Covarrubias, Crowell, Ellis, Fairchild, Goodman, Harville, Hayes, Johnson of Sierra, Kungle, Lamar, Laspeyre, Makins, McDermit, O'Rear, Pate, Patten, Phelps, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Walden, Warner, Welty, White, Williams, Wilson, and Yancey—33.

The bill was considered in Committee of the Whole, reported with amendments, and passage recommended.

Mr. Beach moved the previous question.

Carried.

On ordering the bill engrossed, Messrs. Conness, Beach, and Bell, demanded the ayes and noes, and the bill was ordered engrossed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bowman, Campbell, Crowell, Daggett, Ellis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Howe, Jenkins, Johnson of Sierra, Kungle, Lamar, Makins, McDermit, Pate, Patten, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Walden, Warner, White, and Williams—30.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Burson, Con-

ness, Coombs, Dunlap, Gallagher, Haliday, Harville, Hawley, Hugg, Johnson of Amador, King, Lambert, Laspeyre, Maxson, O'Connor, O'Rear, Sawyer, Schmidt, Shannon, Watson, Welty, Wescott, Wilson, and Yancey—28.

Mr. Welty moved to reconsider the vote by which the House on yesterday passed substitute for Assembly Bill, No. 287, An Act to repeal an Act extending the Privileges of the Homestead Law to certain Persons, and to regulate the creation of the same, passed March fourteen, one thousand eight hundred and sixty.

Mr. Williams moved to indefinitely postpone the motion to reconsider.

Mr. Smith of Nevada moved the previous question, which was sustained.

On the indefinite postponement of the motion to reconsider, Messrs. Williams, King, and Goodman, demanded the ayes and noes, and the motion was indefinitely postponed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Campbell, Conn, Coombs, Crowell, Dunlap, Ellis, Haliday, Halsted, Hammond, Harville, Hayes, Hundley, Jenkins, Lamar, Lambert, Laspeyre, Lawrence, Makins, Maxson, McDermit, O'Connor, Pate, Patten, Phelps, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Wescott, White, and Williams—38.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Conness, Daggett, Fairchild, Goodman, Gwinn, Hawley, Howe, Hugg, Johnson of Amador, Johnson of Sierra, King, Kungle, Sawyer, Schmidt, Theller, Walden, Watson, Welty, Wilson, and Yancey—24.

Assembly Bill. No. 401, An Act to provide for the better Collection of Foreign Miners' License;

Also, Assembly Bill, No. 175, An Act to amend an Act entitled "An Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges"—the further special order of the day was taken up.

Mr. Johnson of Amador, made the following report on the subject of the special order:

Mr. Speaker:—Your Committee upon Mines and Mining Interests, to whom was referred the petition of one thousand citizens of the county of El Dorado, asking the Legislature to pass "an act such as will fully and adequately protect the industrial classes of our own people against a ruinous and degrading competition, by effectually excluding the Chinese first from the mining districts and ultimately from the State," have had the same under consideration, and respectfully report:

First—That the prayer of the petioners is a righteous one, and of right should be favorably responded to by the enactment of a judicious law for the protection of the mines and of the mining and other industrial classes in this State.

Second—The judgment of the Assembly having been against the passage of an act reported by this committee, the avowed and direct object of which was the speedy expulsion of the Chinese and Mongolians from the mines and their ultimate expulsion from the State, it is now recommended that strenuous measures be adopted to collect the license imposed upon them by law. Your committee are of the opinion that if the white miner is to be degraded and his best interests jeopardized by the presence of the Asiatics, they should at least, as a question of revenue, be made to

pay the license tax which they are generally supposed to and have the credit of paying.

P. C. JOHNSON,
Chairman.

Mr. Conness moved to strike out the second section.

Mr. Lawrence moved to strike out the words "two dollars" in the second section and insert "twenty-five cents."

Mr. King moved the previous question.

Sustained.

On the motion of Mr. Conness to strike out the second section, Messrs. Laspeyre, Shannon, and Lawrence, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bell, Conn, Conness, Gwinn, Haliday, Jenkins, Johnson of Sierra, Maxson, McDermit, O'Rear, Phelps, Sawyer, Shannon, Smith of Nevada, Swan, and Warner—12.

NOES—Messrs. Babcock, Bowman, Burson, Campbell, Daggett, Ellis, Fairchild, Goodman, Halsted, Hammond, Harville, Hawley, Hayes, Howe, Hugg, Hundley, Johnson of Amador, King, Kungle, Lamar, Laspeyre, Lawrence, Makins, O'Connor, Pate, Patten, Rodgers of Tuolumne, Schmidt, Starr, Stevenson, Stone, Theller, Walden, Watson, Welty, White, Williams, and Wilson—38.

The motion of Mr. Lawrence was lost.

On the engrossment of the bill, Messrs. Johnson of Amador, Hundley, and Howe, demanded the ayes and noes, and the House so ordered by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bell, Bowman, Burson, Campbell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Halsted, Hammond, Hawley, Hayes, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, King, Kungle, Laspeyre, Lawrence, Makins, McDermit, O'Connor, Pate, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Starr, Stevenson, Stone, Theller, Walden, Warner, Watson, Welty, White, Williams, and Wilson—43.

NOES—Messrs. Conn, Conness, Gwinn, Haliday, Harville, Lamar, Lambert, Maxson, O'Rear, Phelps, Shannon, Smith of Nevada, and Swan—13.

Mr. Howe, at four o'clock, P. M. moved to adjourn.

Upon which, Messrs. Laspeyre, Babcock, and Maxson, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bell, Bowman, Burson, Campbell, Crowell, Dunlap, Goodman, Haliday, Halsted, Hammond, Hawley, Hayes, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, Lambert, O'Rear, Patten, Rodgers of Tuolumne, Shannon, Smith of Nevada, Starr, Stevenson, Stone, Swan, Walden, Warner, Watson, Williams, and Wilson—32.

NOES—Messrs. Babcock, Bailey of Santa Clara, Conn, Conness, Daggett, Ellis, Fairchild, Gwinn, Harville, Johnson of Amador, King, Kungle, Lamar, Laspeyre, Makins, Maxson, McDermit, O'Connor, Pate, Phelps, Sawyer, Schmidt, Theller, and White—25.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 10, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.

On motion of Mr. Burson, the House reconsidered the vote by which the House on yesterday refused to order engrossed Assembly Bill, No. 411, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County, and referred the bill to the Committee on Claims.

Mr. Laspeyre verbally reported, with amendments, and recommended the passage of Assembly Bill, No. 360, An Act to Incorporate District Agricultural Societies, and to repeal "An Act to Incorporate the State Agricultural Society," passed May thirteenth, one thousand eight hundred and fifty-four.

Mr. Maxson verbally reported on the subject of the suppression of testimony on the Mendocino War, as printed.

REPORTS.

Reports were also made as follows:
By Mr. Theller:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March thirteenth, one thousand eight hundred and sixty.

SAML. L. THELLER.

By Mr. Hugg:

Mr. SPEAKER:—The Enrolling Committee have examined, and found correctly enrolled, An Act to pay Mary Harrison for services rendered at the State Insane Asylum.

B. P. HUGG,
Chairman.

By Mr. Lamar:

Mr. SPEAKER:—Your committee to whom was referred Assembly Bill No. 413, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State, have carefully examined the same, and unanimously recommend its passage as amended.

J. B. LAMAR,
Chairman Committee on Ways and Means.

Also:

Verbally reported and recommended passage of Senate Bill, No. 175, An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County.

By Mr. McDermit:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal....	540	15 cts	$81 00
For Printer, etc	2,784	10	278 40
Total	3,324		$359 40

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and fifty-nine dollars and forty cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.

Mr. Welty presented a petition of residents of Sacramento County, relative to Folsom Estate.

Referred to Sacramento Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 7, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 378, An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate;

Also, Assembly substitute for Senate Bill, No. 184, An Act making Appropriations for Deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 299, An Act concerning Taxes in the County of Monterey;

Also, Assembly Bill, No. 390, An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 7, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Auditor and Treasurer of the City and County of San Francisco," approved March fifteenth, one thousand eight hundred and sixty;

Also, have indefinitely postponed Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," so far as relates to the Counties of Santa Clara and Santa Cruz;

Also, Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
April 7, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the relief of Insolvent Debtors and Protection of Creditors;"

Also, Senate Bill, No. 270, An Act to authorize certain Parties therein named to construct a Dam across the Guadalupe River, in Santa Clara County;

Also, Senate Bill, 276, An Act granting further Powers upon the Board of Supervisors of Amador County;

Also, Assembly Bill, No. 333, An Act to appropriate Money for the payment of small Accounts due from the Insane Asylum;

Also, have concurred in Assembly amendments to Senate Bill, No. 210, An Act to define and establish a portion of the Eastern Boundary of the State of California.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 270 and 276, above reported—read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 118, above reported—read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
April 9, 1860.

Mr. SPEAKER:—The Senate, on Saturday, April seventh, one thousand eight hundred and sixty, passed Senate Bill, No. 147, substitute for Assembly Bill, No. 147, An Act to amend an Act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto;

Also, have this day passed Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of adulterated Spiritous or Alcoholic Liquors, Wines, or Ciders;

Also, Assembly Bill, No. 357, An Act to authorize the Guardians of certain Minors to sell their Real Estate;

Also, have indefinitely postponed Assembly Bill, No. 260, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty;

Also, have passed Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento to levy a Special Tax.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 147, above reported—read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 271, above reported—read first and second times, and referred to the Sacramento Delegation.

SENATE CHAMBER,
April 10, 1860.

Mr. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments to Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the Regulation of the same;

Also, passed Assembly Bill, No. 429, An Act making Appropriation for deficiency in Appropriations made for Clerk Hire in the Attorney-General's Office for the Eleventh Fiscal Year;

Also, adopted Senate Concurrent Resolution, No. 49, Relative to the Indian War Debt.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 49, above reported.

SENATE CHAMBER,
April 9, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento by a Duplicate Issue of certain Bonds of said City;

Also, Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment, and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to Regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerks of Los Angeles and San Diego Counties, with amendments;

Also, the claims of John F. Carey and N. Tack, with accompanying papers, the same having been sent to the Senate by mistake.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 257, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Goodman, An Act to provide for the Draining and Reclamation of certain Lands therein named.

Read first and second times, and ordered printed.

By Mr. Schmidt, An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed April twenty-two, one thousand eight hundred and fifty-three, as amended by various Acts amendatory thereof.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Sawyer, An Act concerning Landlord and Tenant.

Read first and second times, and placed on file.

Also, An Act to make valid, effectual, and recordable, conveyances of Real Estate executed by a person or persons as Attorney or Attorneys in fact of a Husband and Wife.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rogers of San Francisco, An Act to authorize William Norris, Administrator of the Estate left unadministered of the Estate of James Blair, deceased, te sell Real Estate of said deceased at Private Sale.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Daggett, An Act to authorize the Counties of Klamath and Del Norte to retain the State's portion of the Poll-Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax which shall be collected in said Counties for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the Construction and Improvemant of Roads and Highways in said Counties.

Read first time.

By Mr. Welty, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to lands situated in the County of Sacramento."

Read first and second times, and referred to the Sacramento Delegation.

By Mr. McDermit, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-one, one thousand eight hundred and fifty-seven.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Coombs, An Act for the Settlement of the Estates of certain Minors.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Warner, An Act to authorize John J. Tomlinson and Associates, to build a Wharf at the Port of San Pedro, in the County of Los Angeles.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Walden, An Act to amend an Act entitled "An Act to annex a portion of San Joaquin County to Stanislaus County," approved February seventeen, one thousand eight hundred and sixty.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Swan, An Act to declare Green Valley Creek, in the County of Solano, a Navigable Stream.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. McDermit, An Act appropriating Money for the Payment of of the Copying of the Legislature during the Eleventh Session.

Read first and second times, considered in Committee of the Whole, reported, and recommended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Johnson of Amador, An Act for the better protection of Laborers, Mechanics, and other Workmen.

Read first and second times, and referred to the Judiciary Committee.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Gwinn:

Resolved, That the Sergeant-at-Arms be paid for arrests made under calls of the House during the present session from the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant for the same; *provided*, that the accounts be certified to by the Clerk of the Assembly.

Adopted.

By Mr. Covarrubias:

Concurrent Resolution, Relative to Semi-Weekly Mail between San Luis Obispo and Los Angeles.

Adopted.

By Mr. Lamar:

Concurrent Resolution, Relative to Indian Reservations.

Made special order for April fourteen at half past one, P. M.

By Mr. Gwinn:

Resolved, That Henry Goodman be, and he is hereby allowed, three dollars per day from the beginning of the session, for extra services as Printer's Clerk of the Assembly, payable out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant for the same.

Laid on the table.

By Mr. Fairchild:

Resolved, That the Sergeant-at-Arms be, and he is hereby required, to provide five dollars' worth of Postage Stamps for the use of each Member of the Assembly, and that the same be paid out of the Contingent Fund of the Assembly.

On the adoption of the resolution, Messrs, Conness, Goodman, and Wescott, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Babcock, Bowman, Burson, Campbell, Conn, Conness, Crowell, Daggett, Dunlap, Fairchild, Gwinn, Hayes, Heston, Hundley,

Jenkins, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Malarin, McDermit, O'Rear, Shannon, Smith of Nevada, Starr, Swan, Theller, Walden, Warner, Wescott, White, Williams, Wilson, and Yancey—34.

Noes—Messrs. Beach, Covarrubias, Ellis, Goodman, Harville, Hugg, Kungle, Lamar, Makins, O'Connor, Pate, Phelps, Rogers of San Francisco, Sawyer, Shattuck, Stone, Watson, Welty, and Mr. Speaker—19.

Mr. Beach made the following report:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Office of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 94, An Act relative to the Writ of Ne Exeat;

Also, Assembly Bill, No. 393, An Act authorizing the levy of a Special Tax in the County of Los Angeles;

Also, Assembly Bill, No. 381, An Act concerning the Infant Heirs of Bernardo Yorba, deceased;

Also, Assembly Bill, No. 431, An Act concerning Apprentices and Servants;

Also, Assembly Bill, No. 344, An Act to create the County of Marshal, define the Boundaries and provide for the Organization and Government thereof.

BEACH,
Chairman.

Assembly Bill, No. 355, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrections—was taken up, and made the special order for April twelfth, at half-past two, P. M.

Assembly Concurrent Resolution, No. 68, Relative to printing extra Copies of Report of Special Indian Committee.

On the indefinite postponement of the bill, Messrs. Warner, Maxson, and Hundley, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Beach, Bowman, Conn, Covarrubias, Dunlap, Harville, Hawley, Hayes, Kungle, Makins, McDermit, O'Connor, O'Rear, Rogers of San Francisco, Shannon, Stone, Swan, Tilton, Welty, White, Williams, and Mr. Speaker—22.

Noes—Messrs. Babcock, Burson, Campbell, Conness, Coombs, Crowell, Daggett, Ellis, Goodman, Halsted, Heston, Hugg, Hundley, Jenkins, Johnson of Sierra, Lamar, Lambert, Laspeyre, Maxson, Patten, Smith of Nevada, Smith of Sutter, Starr, Theller, Walden, Warner, Watson, Wescott, Wilkins, Wilson, and Yancey—31.

On the adoption of the resolution, Messrs. Warner, Maxson, and Hundley, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Babcock, Burson, Campbell, Conness, Coombs, Crowell, Daggett, Ellis, Gallagher, Goodman, Halsted, Hugg, Hundley, Johnson of Sierra, Lamar, Lambert, Laspeyre, Maxson, Smith of Nevada, Smith of

Sutter, Starr, Theller, Walden, Warner, Watson, Wescott, Wilkins, Wilson, and Yancey—29.

Noes—Messrs. Beach, Bowman, Conn, Covarrubias, Dunlap, Harville, Hawley, Hayes, Kungle, Makins, Malarin, McDermit, O'Connor, O'Rear, Patten, Rogers of San Francisco, Shannon, Stone, Tilton, Welty, White, Williams, and Mr. Speaker—23.

GENERAL FILE.

Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, one thousand eight hundred and fifty-seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine—was read third time and passed.

Assembly Bill, No. 286, An Act to abate Public Nuisances.

Mr. Hugg offered a substitute for all after the enacting clause.

Mr. Lamar moved to indefinitely postpone the bill and substitute.

Lost.

On the engrossment of the bill, Messrs. Wescott, Harville, and Schmidt, demanded the ayes and noes, and it was ordered engrossed by the following vote:

Ayes—Messrs. Babcock, Beach, Bell, Bowman, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Daggett, Fairchild, Gallagher, Goodman, Haliday, Halsted, Hammond, Harville, Hawley, Hugg, Hundley, Lovell, Makins, Malarin, McDermit, O'Connor, Sawyer, Schmidt, Shannon, Smith of Sutter, Starr, Swan, Theller, Walden, Warner, Welty, Wescott, White, Wilson, Yager, Yancey, and Mr. Speaker—40.

Noes—Messrs. Bailey of Santa Clara, Burson, Dunlap, Howe, Kungle, Lamar, Lambert, Laspeyre, Lawrence, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Smith of Nevada, Stone, Tilton, and Wilkins—18.

The House refused to engross Assembly Bill, No. 425, An Act to define and regulate the relation of Landlord and Tenant.

Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Court, in Contra Costa County;

Also, Assembly Bill, No. 417, An Act amendatory of, and supplementary to, an Act approved March seventh, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming"—were ordered engrossed.

SPECIAL ORDER.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead, in the City and County of San Francisco, the special order of the day—was taken up.

Mr. Conness moved that the House resolve itself into Committee of the Whole, for the purpose of considering all the bills upon the subject.

Upon which, the ayes and noes were demanded, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Burson, Conn, Covarrubias, Gallagher, Harville, Hundley, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, Maxson, McDermit, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—31.

Noes—Messrs. Babcock, Bowman, Campbell, Conness, Coombs, Crowell,

Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Hawley, Hayes, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stone, Theller, Walden, Watson, Welty, Wescott, and Yancey—38.

The House then resolved itself into Committee of the Whole, for the consideration of Senate Bill, No. 167.

After spending some time in the consideration of the same, the committee rose, and reported the bill back to the House.

Mr. King moved to adjourn.

Upon which, Messrs. Lamar, Gwinn, and Welty, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Fairchild, Gallagher, Hammond, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, O'Rear, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—34.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Hawley, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, McDermit, O'Connor, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stone, Theller, Walden, Watson, Welty, Wescott, and Yancey—38.

Mr. Hundley offered the following amendment:

Amend section first by striking out the word "thereat," in the third line, and insert instead thereof the following: "At and upon such portions of such works as shall have been constructed and completed in accordance with the provisions of this act."

On the adoption of the amendment, Messrs. Tilton, Rogers of San Francisco, and Hundley, demanded the ayes and noes, and it was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Harville, Hayes, Hundley, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, Pate, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—31.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hawley, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stone, Theller, Walden, Watson, Welty, Wescott, and Yancey—41.

The following amendment was offered by Mr. Conness, to be added to the fifth section:

Provided, That the express terms and conditions upon which the franchise herein granted, and the use of the property herein conveyed, for a term of years, are, that the said Dock and Wharf Company shall pay, quarterly, into the State treasury, under the oath of its President, Sec-

retary, and Treasurer, specifying in detail the sources of revenue, five per cent. of all its gross revenues derived from wharfage, rents, or other sources, which may accrue to said company under the provisions of this act and the franchise and property herein granted and conveyed for a term of years. Said five per cent. from the gross receipts of said Dock and Wharf Company shall be paid into the State treasury for the benefit of the School Fund. If at any time the said Dock and Wharf Company shall fail or refuse, for the period of ten days after said five per cent. shall become due to the State, to pay the whole of said five per cent. under oath, as herein provided, the State Treasurer shall inform the Attorney-General, who shall commence suit in the District Court to obtain a decree of forfeiture to the State of all the property, rights, leases, and franchises, herein authorized and conveyed, of said Dock and Wharf Company. The State Treasurer is hereby authorized, at any time, to appoint an Expert to examine the books and vouchers of said Dock and Wharf Company, for the purpose of ascertaining whether the terms of this section have been complied with.

On its adoption, Messrs. Hundley, Theller, and Schmidt, demanded the ayes and noes, and it was adopted by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Daggett, Dunlap, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hawley, Heston, Howe, Hugg, Hundley, Jenkins, King, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Makins, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Theller, Tilton, Walden, Warner, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, Yager, Yancey, and Mr. Speaker—68.

Noes—Messrs. Ellis, Hayes, and Johnson of Sierra—3.

Mr. Rogers, of San Francisco, offered the following amendment:

Amend section second by striking out the eighth line and the ninth line down to and including the word "city," and insert in lieu thereof the words "Folsom and East streets on the south, and Vallejo and Davis streets on the north."

Upon its adoption, Messrs. Rogers of San Francisco, Pate, and Kungle, demanded the ayes and noes, and the amendment was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Harville, Hayes, Hundley, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—31.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hawley, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Watson, Welty, Wescott, and Yancey—42.

The following amendment was offered by Mr. Rogers, of San Francisco:

Add to the seventh section the following words: "*provided*, that no franchise, privilege, or structure, shall be subject to the provisions of this section before it shall become necessary for the San Francisco Dock and Wharf Company to take and have the same for the purpose of the actual construction of said bulkhead or sea-wall, or wharfs, in the progress of the building thereof, nor shall the said San Francisco Dock and Wharf Company have the right to charge and collect any dockage, wharfage, or tolls, within the limits or extent mentioned in section two of this act, except at such bulkhead, sea-wall, or wharf, or such parts thereof as may be constructed."

Upon its adoption, Messrs. Starr, Williams, and Conn, demanded the ayes and noes, and it was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Harville, Hundley, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, Pate, Rogers of San Francisco, Shannon, Shattuck,

Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—29.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bell, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hawley, Hayes, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stone, Thelier, Walden, Watson, Welty, Wescott, and Yancey—41.

Mr. Lambert offered the following amendment:

Strike out section thirteen and insert as follows:

Section 13. The Board of Engineers, appointed in accordance with the provisions of section three, shall, in addition to the duties imposed by said section, make a careful and accurate survey of the harbor of San Francisco, with a view to the necessity of a sea-wall or bulkhead for the preservation of the said harbor of San Francisco. The said Board of Engineers shall make their report as to such necessity to the Legislature of this State on or before the first day of March, A. D. one thousand eight hundred and sixty-one. If such report shall be favorable to the construction of a sea-wall or bulkhead, and the Legislature shall acquiesce in and confirm such report, then and in that event the rights, privileges, and franchises granted by this act shall be confirmed to the said San Francisco Wharf and Dock Company, and the provisions of this act shall be carried into effect as specified in such provisions, from and after such report shall be acquiesced in and confirmed by the Legislature as aforesaid. If the report of the said Engineers shall be unfavorable to the construction of a sea-wall or bulkhead, then this act, and all the rights, privileges, immunities, and franchises, herein granted shall be null and void. The Engineers appointed by this act shall each receive the sum of twenty-five hundred dollars for his services. The appointee of the San Francisco Wharf and Dock Company shall be paid by said company. The appointee of the State of California shall be paid by the State of California. The appointee of the city and county of San Francisco shall be paid by the said city and county. If Consulting Engineers shall be called in, as provided for in section three of this act, they shall be allowed for their services a reasonable compensation, to be ascertained and paid conjointly by the San Francisco Wharf and Dock Company and the Board of Supervisors of the city and county of San Francisco.

Mr. Crowell moved the previous question.

Upon which, Messrs. Williams, Pate, and Gallagher, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bell, Bowman, Campbell, Crowell, Ellis, Fairchild, Halsted, Hammond, Harville, Hawley, Hayes, Lamar, Lambert, Lovell, O'Rear, Patten, Stone, Theller, Watson, and Yancey—23.

NOES—Messrs. Bailey of Santa Clara, Beach, Conn, Conness, Coombs, Covarrubias, Daggett, Gallagher, Goodman, Gwinn, Haliday, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Laspeyre, Lawrence, Makins, Malarin, Maxson, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Walden, Warner, Welty, Wescott, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—49.

Mr. Hayes moved to adjourn.

Upon which, Messrs. Lamar, Babcock, and Conness, demanded the ayes and noes, and the House adjourned by the following vote:

AYES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Bowman, Conn, Corvarrubias, Ellis, Fairchild, Gallagher, Hammond, Harville, Hayes, Hundley, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—36.

NOES—Messrs. Babcock, Beach, Bell, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Goodman, Gwinn, Haliday, Halsted, Hawley, Howe, Hugg, Jenkins, Johnson of Amador, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stone, Theller, Walden, Warner, Watson, Welty, Wescott, and Yancey—35.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 11, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

REPORTS.

Reports were made as follows:
By Mr. Wilkins:

Mr. SPEAKER:—The Sonoma Delegation, to whom was referred Senate Bill, No. 273, An Act to authorize Joshua Chadbourne and Josiah Bacon to construct and maintain a Wharf at Lakeville, in the County of Sono-

ma, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

WILKINS.

By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs running at large in certain Counties," passed April twenty-first, one thousand eight hundred and fifty-six;

Also, Assembly Bill, No. 214, An Act for the relief of W. J. Paugh, Sheriff of the County of Amador;

Also, Assembly Bill, No. 435, An Act authorizing the Board of Supervisors of Napa County to levy a Special Tax for certain purposes;

Also, Assembly Bill, No. 379, An Act concerning Aliens;

Also, Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims.

B. T. O'REAR,
For the Committee.

Mr. Conness moved to suspend the rules to consider the Special Order of the day, Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulk-Head in the City and County of San Francisco.

The Speaker, (Mr. Smith of Nevada,) ruled that it was not in order to consider the Special Order sooner than the hour fixed for its consideration, except by unanimous consent of the House.

Mr. Conness appealed.

The House refused to sustain the Chair.

Mr. Conness moved a call of the House.

Carried.

Absent—Messrs. Coombs, Covarrubias, Goodman, Henry, Heston, Malarin, Welty, and Wescott.

On motion of Mr. Lawrence, further proceedings under the call were dispensed with.

On suspending the rules, Messrs. Conness, Crowell, and Yancey, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bell, Bowman, Burson, Campbell, Conness, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hawley, Hayes, Heston, Hugg, Hundley, Jenkins, Lamar, Lovell, Makins, Maxson, O'Connor, O'Rear, Pate, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Sutter, Stone, Theller, Walden, Warner, Watson, Wescott, Yager, and Yancey—44.

Noes—Messrs. Bailey of Santa Clara, Beach, Conn, Gallagher, Hammond, Harville, Howe, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, McDermit, Phelps, Rogers of San Francisco, Smith of Nevada, Starr, Swan, Tilton, White, Wilkins, Williams, and Wilson—26.

GENERAL FILE.

Assembly Bill, No. 410, An Act to authorize the Executrix of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 387, An Act to grant the Right to construct a Bridge across Middle Eel River, Mendocino County, at or near the Crossing of the Weaverville Trail, to certain Parties therein named—was read third time and passed.

Assembly Bill, No. 47, An Act to grant to A. P. Overton, and others whom he may associate with him, and their Assigns, the Right of laying a Railroad Track along certain Streets in the City of Petaluma—was read third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Stone, An Act to prevent Estray Stock from crossing Toll-Bridges in this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Conness, An Act for securing Liens to Journeymen Printers.

Read first and second times, referred to the Judiciary Committee, with instructions to report on Friday next, and ordered printed.

By Mr. Hawley, An Act to exempt the Property of Morning Star Lodge of the I. O. of O. F. of Placerville, from taxation.

Read first and second times, and referred to the Committee on Ways and Means.

GENERAL FILE, RESUMED.

Assembly Bill, No. 295, An Act to allow the Claim of Daniel McLaren —was read third time and passed.

Assembly Bill, No. 421, An Act for the relief of Purchasers of Swamp and Overflowed Lands and other School Lands belonging to this State—amendments adopted, considered in Committee of the Whole.

Pending which, the Speaker dissolved the committee, and the House took a recess until half past one o'clock, P. M.

At quarter past one o'clock, P. M. the Speaker in the Chair, on motion of Mr. Williams, the House adjourned until to-morrow morning at ten o'clock.

Mr. Conness called the House to order.

At half past one o'clock, P. M. Mr. Shannon took the Chair, neither the Speaker, nor the Speaker *pro tem.* being present.

Mr. Conness moved a call of the House.

Carried.

Pending the call of the House, Mr. Stevenson, the Speaker *pro tem.* appeared and took the Chair.

Absent—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bowman, Coombs, Covarrubias, Curtis, Gallagher, Goodman, Groom, Halsted, Hammond, Hayes, Henry, Heston, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, O'Connor, Phelps, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Starr, Swan, Tilton, Warner, Watson, Welty, White, Wilkins, Wilson, and Mr. Speaker.

On motion of Mr. Lamar, further proceedings under the call were dispensed with.

Mr. Lamar moved to make Senate Bill, No. 167, the Special Order for to-morrow, at ten minutes past twelve o'clock, P. M.

Carried.

At fifteen minutes before two o'clock, P. M. the House adjourned to ten o'clock to-morrow morning.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 12, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read.
On motion of Mr. Lambert, that portion of the Journal of yesterday in relation to the adjournment of the House by the Speaker at quarter past one o'clock, P. M. was expunged.
Mr. Wilkins presented a remonstrance of citizens of Petaluma against the passage of bulkhead bill for San Francisco.

INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Rogers of San Francisco, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, and the Auditor, and Treasurer, of the City and County of San Francisco;" also, amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," approved March fifteenth, one thousand eight hundred and sixty.
Read first and second times, rules suspended, considered engrossed, read third time, and passed.
By Mr. Lamar, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendocino.
Read first and seconds times, rules suspended, considered engrossed, read third time, and passed.
By Mr. Bailey of Tuolumne, An Act to authorize the construction of a Wagon Road from Sonora, Tuolumne County, to the State Line, at a point near Mono Lake, and to appropriate Money therefor.
Read first and second times and referred to a Special Committee of three.
By Mr. White, An Act to authorize the County Recorder of Shasta County to transcribe certain Records and to legalize the same.
Read first and second times, rules suspended, considered engrossed, read third time, and passed.
By Mr. Sawyer, An Act for the Relief of the Heirs of P. Dillon.
Read first and second times, rules suspended, and considered engrossed.
By Mr. Laspeyre, An Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, "Concerning Crimes and Punishments," and the acts amendatory thereof.
Read first and second times and referred to the Judiciary Committee.
The House indefinitely postponed Assembly Bill, No. 344, An Act to to create the County of Marshall, define the Boundaries, and provide for the Organization and Government thereof.

Assembly Bill, 421, An Act for the relief of Purchasers of Swamp and Overflowed Lands and other School Lands belonging to this State—was considered in Committee of the Whole (Mr. Smith of Nevada, in the chair) and reported.

Mr. Williams offered a substitue.

Adopted.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Laspeyre gave notice of reconsideration.

REPORTS.

Reports were made as follows:

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 357, An Act to authorize the Guardian of certain Minors to sell their Real Estate;

Also, Assembly Bill, No. 429, An Act making Appropriation for deficiency in Appropriation made for Clerk Hire in the Attorney-General's Office for the Eleventh Fiscal Year;

Also, Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims;

Also, Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento, by a duplicate issue of certain Bonds of said City;

Also, Assembly Bill, No. 28, An Act concerning certain acknowledgments of Deeds and other instruments in writing affecting Real Estate;

Also, Assembly Bill, No. 321, An Act to authorize José de Jesus Pico to sell certain Land in San Luis Obispó County belonging to his Infant Children;

Also, Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine;

Also, substitute for Assembly Bill, No. 333, An Act to appropriate Money for the Payment of small Accounts due from the Insane Asylum;

Also, Assembly Bill, No. 389, An Act to legalize the Duplicate Assessment List of Los Angeles County;

Also, Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties.

B. P. HUGG,
Chairman *pro tem.*

Also:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 438, An Act appropriating Money for the Payment of the copying of the Legislature during the Eleventh Session.

B. P. HUGG,
Chairman *pro tem.*

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 286, An Act to abate Public Nuisances;

Also, Assembly Bill. No. 401, An Act to provide for the better Collection of Foreign Miners' License;

Also, Assembly Bill, No. 439, An Act to declare Green Valley Creek, in the County of Solano, a Navigable Stream;

Also, Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Court in Contra Costa County;

Also, Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and Associates to build a Wharf at the Port of San Pedro, in the County of Los Angeles.

BEN. T. O'REAR,
For the Committee.

SPECIAL ORDER.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead, in the City and County of San Francisco, the special order of the day, was taken up.

Mr. Kungle moved to recommit the bill with special instructions to strike out the amendment to section five of the bill.

Mr. Babcock moved the previous question.

Mr. Conness moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Beach, Lewis, Maxson, and Watson.

On motion of Mr. Shannon, further proceedings under the call were dispensed with.

Mr. Kungle moved to adjourn.

Upon which Messrs. Lamar, Yancey, and Jenkins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Covarrubias, Gallagher, and Malarin—4.

NOES—Messrs. Babcock, Bailey of Tuolumne, Bowman, Burson, Campbell, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Harville, Hayes, Heston, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Tilton, Walden, Warner, Watson, Welty, Wilkins, Wilson, Yager, Yancey, and Mr. Speaker—61.

On the previous question Messrs. Lawrence, Rogers of San Francisco, and Pate, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Bowman, Campbell, Conness, Crowell, Daggett, Dunlap, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Hawley, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, McDermit,

O'Rear, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Stone, Theller, Walden, Watson, Wescott, and Yancey—38.

Noes—Messrs. Bailey of Santa Clara, Burson, Conn, Coombs, Covarrubias, Ellis, Gallagher, Harville, Hundley, Johnson of Amador, King, Kungle, Lambert, Lawrence, Makins, Malarin, O'Connor, Pate, Patten, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—34.

On recommitting with special instructions, Messrs. Rogers of San Francisco, Conness, and Kungle, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Covarrubias, Gallagher, Hammond, Hundley, Kungle, Lawrence, Malarin, Pate, Phelps, Rogers of San Francisco, Smith of Nevada, Tilton, Wilkins, Wilson, Yager, and Mr. Speaker—17.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Burson, Campbell, Conn, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Harville, Hawley, Hayes, Henry, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lambert, Laspeyre, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Theller, Walden, Warner, Watson, Welty, Wescott, White, Williams, and Yancey—55.

On the adoption of the substitute for the thirteenth section, Messrs. Kungle, Lambert, and Hundley, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Gallagher, Hammond, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—32.

Noes—Messrs. Babcock, Bailey of Tuolumne, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hawley, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Stone, Theller, Walden, Watson, Welty, Wescott, and Yancey—40.

On the passage of the bill, Messrs. Rogers of San Francisco, Hundley, and Schmidt, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hawley, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Stone, Theller, Walden, Warner, Watson, Welty, Wescott, Wilkins, and Yancey—43.

Noes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher,

Hammond, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, Pate, Phelps, Rogers of San Francisco, Shannon, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—30.

Mr. Wilkins gave notice of reconsideration.

Mr. Stone offered the following resolution:

Resolved, That the Committee on Ways and Means, to whom was referred Assembly Bill in relation to Sealers of Weights and Measures in the counties of El Dorado and Amador, be instructed to report the same back to the House on Friday, April thirteenth, one thousand eight hundred and sixty.

Adopted.

PETITIONS.

Petitions were presented and placed on file, as follows:

By Mr. Maxson, Of citizens of San Mateo, for repeal of State Agricultural Society.

By Mr. Beach, Of citizens of Placer County against law granting leave to issue Bonds for Railroad.

By Mr. Phelps, Of citizens of San Francisco, for repeal of State Agricultural Society.

Mr. Conn made the following report:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Assembly Concurrent Resolution, No. 63, Relative to pay of State Translators, have had the same under consideration, and herewith return it, with the recommendation that it pass.

S. F. JENKINS,
WM. A. CONN,
For Committee.

The House adopted Assembly Concurrent Resolution, No. 63, above reported.

Mr. Goodman moved a call of the House.

Carried.

Absent—Messrs. Babcock, Bailey of Santa Clara, Bowman, Campbell, Conn, Coombs, Daggett, Haliday, Harville, Henry, Lawrence, Makins, Malarin, McDermit, Sawyer, Starr, Stevenson, Tilton, Walden, White, Williams, Yager, and Yancey.

Mr. Conness moved to dispense with further proceedings.

Carried.

Mr. Johnson of Sierra offered the following resolution:

Resolved, By the Assembly, that the usual number of copies of Mr. Fairchild's Assembly Joint Resolution, No. 1, be, and the same is hereby, ordered printed.

On its indefinite postponement, Messrs. Burson, Fairchild, and Johnson of Sierra, demanded the ayes and noes, and it was indefinitely postponed by the following vote:

AYES—Messrs. Beach, Bowman, Conn, Crowell, Ellis, Haliday, Halsted,

Harville, Heston, Hugg, Hundley, Kungle, Lambert, Lawrence, Makins, McDermit, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Sutter, Starr, White, Williams, Wilson, and Mr. Speaker—29.

Noes—Messrs. Burson, Conness, Daggett, Dunlap, Fairchild, Henry, Howe, Johnson of Amador, Johnson of Sierra, Laspeyre, Schmidt, Smith of Nevada, Swan, Theller, and Welty—15.

Mr. Smith of Nevada moved to adjourn.

Upon which, Messrs. Laspeyre, Kungle, and Welty, demanded the ayes and noes, with the following result:

Ayes—Messrs. Babcock, Burson, Conness, Coombs, Covarrubias, Crowell, Dunlap, Fairchild, Haliday, Halsted, Hammond, Hayes, Heston, Jenkins, Johnson of Amador, Kungle, Lamar, Lambert, Malarin, Maxson, Pate, Patten, Schmidt, Shattuck, Smith of Nevada, Stone, Theller, Watson, Wescott, Wilson, and Yancey—31.

Noes—Messrs. Beach, Bowman, Campbell, Daggett, Ellis, Goodman, Harville, Howe, Hugg, Hundley, Johnson of Sierra, King, Laspeyre, Lawrence, Makins, McDermit, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Sawyer, Shannon, Smith of Sutter, Swan, White, Williams, and Mr. Speaker—28.

So at fifteen minutes past one o'clock, P. M. the House adjourned.

IN ASSEMBLY.

House of Assembly,
Friday, April 13, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Wilkins moved to reconsider the vote by which the House, on yesterday, passed Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco.

After considering the same for some hours Mr. Burson moved that the House adjourn.

Upon which, Messrs. Lamar, Theller, and Gallagher, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Conn, Covarrubias, Fairchild, Gallagher, Hammond, Kungle, Lambert, Lawrence, Malarin, Pate, Phelps, Rogers of San Francisco, Shattuck, Starr, Swan, Tilton, Williams, Wilson, Yager, and Mr. Speaker—20.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Bowman, Burson, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Harville, Henry, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lovell, Makins, Maxson, O'Connor, Rodgers of Tuolumne, Sawyer,

Schmidt, Shannon, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Watson, Welty, Wescott, and Wilkins—44.

Mr. Theller made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Substitute for Assembly Bill, No. 257, An Act to regulate the Fees of the County Clerks of Los Angeles and San Diego Counties.

SAM'L L. THELLER.

Mr. Crowell moved the previous question.

Mr. Conness moved a call of the House.

Sustained.

The following members were absent: Messrs. Burson, Gwinn, Hawley, Hayes, Heston, Howe, Hundley, King, McDermit, O'Rear, Pate, Patten, Smith of Nevada, Stevenson, and Yancey.

On motion of Mr. Conness, further proceedings were dispensed with.

Mr. Lawrence moved to adjourn.

Upon which, Messrs. Rodgers of Tuolumne, Conness, and Gwinn, demanded the ayes and noes, and the House refused by the following vote:

AYES—Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Malarin, Pate, Phelps, Rogers of San Francisco, Shattuck, Starr, Swan, Tilton, Williams, Wilson, Yager, and Mr. Speaker—23

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Campbell, Conness, Coombs, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Harville, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Makins, Maxson, O'Connor, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Stevenson, Stone, Theller, Walden, Warner, Watson, Welty, and Wescott—38.

The previous question was sustained.

On reconsidering the vote, Messrs, Kungle, Rogers of San Francisco, and Theller, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Harville, Kungle, Lambert, Lawrence, Lewis, Makins, Malarin, Pate, Phelps, Rogers of San Francisco, Shattuck, Starr, Swan, Tilton, Williams, Wilson, Yager, and Mr. Speaker—23.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Campbell, Conness, Coombs, Crowell, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Theller, Walden, Warner, Watson, Welty, and Wescott—34.

The Speaker appointed Messrs. Bailey of Tuolumne, Wescott, and Walden, the Special Committee on Assembly Bill, No. 457.

Assembly Bills, Nos. 291, 352, 353, and 354, and Assembly Joint Resolution, No. 64, Relative to State Prison matters, the special orders for this day—were made special orders for Tuesday next, at ten minutes past one, P. M.

Senate Bill, No. 140, An Act for the Reclamation and Disposal of the

Swamp and Overflowed Lands, also special order for this day—was continued until to-morrow, at two o'clock, P. M.

REPORTS.

Reports were made as follows:

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, have examined the following accounts, and find them correct, and recommend their payment, viz:

Purpose.	Amount.
Charles T. Botts, for Daily and Weekly Standards, furnished the members of the Assembly from April 2d to April 14th, 1860	$135 00
Account of C. W. Tozer, for Postage furnished to members of Assembly, to date	375 00
Account of Jos. Genella, for pitchers, tray, and tumblers, for use of Assembly	6 25
Total	$516 25

DANIEL ROGERS,
Chairman.

Adopted.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 454, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, and the Auditor, and Treasurer, of the City and County of San Francisco," also amendatory of an Act, approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," approved March fifteen, one thousand eight hundred and sixty.

JOHN DAGGETT,
Chairman.

Mr. Welty offered the following resolution:

WHEREAS, We are advised by telegraph, of the first arrival within the borders of this State of the Central Overland Pony Express, bringing news from New York, Washington, and the Atlantic coast, in the unprecedentedly short time of nine days; and, *whereas*, said express has arrived; therefore—

Resolved, That as an evidence of our pride and pleasure in the success of a public enterprise so noble and praiseworthy, and our approbation of the public spirit and energy which accomplished it, and to give the members of this House an opportunity to unite with the citizens in witnessing

and welcoming the arrival of this express, that the Assembly do now adjourn to ten o'clock to-morrow morning.

Adopted.

And so at fifteen minutes before six o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 14, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Bell had indefinite leave of absence, and Mr. O'Rear for one week.

REPORTS.

Reports were made as follows:
By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims have had under consideration Assembly Bill, No. 411, respectfully report the same back, and recommend its passage.

STEVENSON,
Chairman.

The rules were suspended, and Assembly Bill, No. 411, above reported, considered engrossed, read third time, and passed;
Also:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Assembly Bill, No. 180, An Act for the Relief of W. H. Brown;
Also, Senate Bill, No. 221, An Act to audit and allow the Claim of J. J. Lecount—have had the same under consideration, and herewith return the bills, with therecommendation that they do not pass.

STEVENSON,
Chairman.

By Mr. Warner:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 358, An Act to provide for the payment of Bounties for the Destruction of Wild Animals, report the same back for the action of the House. Your committee, sensible that the provisions of the bill are so objectionable to some counties that it would be unadvisable to burden the county treasuries with the charge therein provided, while at the same time it may be beneficial to some counties. Your committee would, therefore, submit the bill to the House for its action.

J. J. WARNER,
Chairman Committee on Agriculture.

By Mr. Beach:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 410, An Act to authorize the Executrix of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale;

Also, Assembly Bill, No. 447, An Act for the Settlement of the Estate of certain Minors;

Also, Assembly Bill, No. 448, An Act authorizing William Norris, Administrator of the Estate left unadministrated of the Estate of James Blair, deceased, to sell Real Estate of said deceased at Private Sale;

Also, Assembly Bill, No. 449, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-first, one thousand eight hundred and fifty-seven.

BEACH,
Chairman.

By Mr. Welty:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as relates to lands situated in the County of Sacramento, would submit the following report:

That the above act was passed in April, one thousand eight hundred and fifty-seven, and gives the Executors of the estate of Folsom the right to sell lands at private sale; that a large tract of land situated in the county of Sacramento, now in the possession of settlers, cultivated and improved by them, is claimed by the said estate; that since the passage of said act frequent applications have been made by these settlers to purchase said lands, but every application has been denied. The lands have been held at exorbitant prices, far above its present improved condition. A memorial has been presented, signed by one hundred of the citizens of Sacramento County, occupants of said tract of land, praying a modification of the law authorizing the Executors of said estate to sell said lands at private sale. The actual line of the lands claimed by said estate has never been established, and it is, at some places, for a margin of one or two miles, and at others, four or five miles, in doubt where the line will be finally located. If the Executors desire to sell said lands, all the memorialists ask is that they may be compelled to sell as other Executors or Administrators are required to sell, at public sale, where all may have an equal right and opportunity to purchase. The power now granted said Executors, it is feared by the memorialists, will be used to oppress them, by selling their several possessions to strangers, and driving them from their homes and depriving them from the benefit of many years hard labor in improving the soil they now occupy; nor are their fears without foundation, as it is in the power of the Executors to do so. The act, as amended, will only so far change the law as to require any sales of lands by said Executors, situated in Sacramento County, to be at public auction, and your committee not only recommend but urge its passage.

WELTY,
L. C. GOODMAN,
H. STARR,
R. B. ELLIS.

The rules were suspended, and Assembly Bill, No. 443, considered engrossed, read third time, and passed.

By Mr. Williams:

Mr. Speaker:—The Judiciary Committee, to whom was referred Assembly Bill, No. 451, An Act for securing Liens to Journeymen Printers, with an accompanying petition, have had the same under consideration, and report them back, and recommend that the bill do not pass;

Also, Assembly Bill, No. 437, An Act for the better Protection of Laborers, Mechanics, and other Workmen, is reported back, and its passage recommended;

Also, Assembly Bill, No. 444, An Act to make valid, effectual, and recordable, Conveyances of Real Estate executed by a Person or Persons, as Attorney, or otherwise, in fact of Husband and Wife, is reported back, with the recommendation that it do not pass;

Also, Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors," approved May fourth, one thousand eight hundred and fifty-two, is reported back amended, with the recommendation that it pass as amended;

Also, Assembly Bill, No. 450, An Act to prevent Estray Stock from crossing Toll-Bridges, in this State, is reported back, and its passage recommended;

Also, Assembly Bill, No. 434, An Act supplemental to an Act entitled "An Act to provide for the Formation of Corporations for certain Purposes," passed April fourteenth, one thousand eight hundred and fifty-three, is reported back, and its passage recommended.

WILLIAMS,
Chairman.

The rules were suspended, and Assembly Bill, No. 437, above reported, considered engrossed, read third time and passed.

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment have examined the following bill, and found it correctly engrossed:

Assembly Bill, No. 417, An Act amendatory of, and supplementary to, an Act approved March seventh, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming."

BEACH,
Chairman.

By Mr. Pate:

Mr. Speaker:—Your committee, to whom was referred Assembly Bill, No. 288, An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies, have had the same under consideration, and report it back, with amendments, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 340, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, and to assist in constructing certain Wagon Roads therein named, and report back a substitute for the same.

PATE,
Chairman.

By Mr. Bailey of Tuolumne:

Mr. SPEAKER:—Your Committee on Commerce and Navigation have had under consideration Senate Bill, No. 228, An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar, and beg leave to report the bill back to the House, without amendments, and recommend its passage.

BAILEY,
Of Tuolumne.

The rules were suspended, and Senate Bill, No. 228, above reported, read third time and passed.

By Mr. Shannon:

Mr. SPEAKER:—The Special Committee appointed to investigate the condition of the Clerical Department of the Assembly, beg leave to report the accompanying bill, and recommend its passage. Your committee is of the opinion that the provisions of this bill will tend much to do away with the many evils that arise from the present condition of that department, owing to the latitude that is allowed by the existing law.

SHANNON,
Chairman.

The bill above reported read first and second times, the rules suspended, considered engrossed, read third time and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 10th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to Regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 380, An Act to provide for the opening of a Channel across the Bar at the mouth of San Antonio Creek;

Also, Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to confer further powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteenth, one thousand eight hundred and sixty.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 12, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 307, An Act for the payment of expenses incurred in the suppression of Indian Hostilities in the County of Mendocino, of this State.

JOHN G. DOWNEY,
Governor.

COMMUNICATIONS FROM THE BOARD OF EXAMINERS.

The following communications were received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 11, 1860.

To the Honorable the Assembly of California:

I transmit herewith to your Honorable Body, a list of claims which have been passed upon by the Board of Examiners, together with the papers and decisions of the Board in each case, viz:

Claim.	Amount.	Disposition.
Claim No. 174, A. R. Meloney, for.....	$100 00	Rejected.
Claim No. 186, J. B. Dayton, for.....	237 30	Approved for $210 25.
Claim No. 188, George H. Goddard, for...	200 00	Rejected.
Claim No. 190, John S. Gove, for.....	119 75	Approved.
Claim No. 191, California Farmer.....	45 00	Approved.

JOHN G. DOWNEY,
President Board of Examiners.

The above claims were referred to the Committee on Claims.

OFFICE BOARD OF EXAMINERS,
Sacramento, April 13, 1860.

To the Honorable the Assembly of California:

I herewith transmit to your Honorable Body a statement showing a deficiency of three thousand one hundred dollars and seventy-nine cents, in the payment of the expenses incurred in the suppression of Indian hostilities in certain counties of this State:

Statement.	Amount.
The schedule of the accounts as reduced by your Special Committee, was.....	$53,055 29
Amount reduced by Board of Examiners, errors, etc.....	69 05
	$52,986 24
Pay-Roll of "Kibbe Rangers," at rates by law.....	8,000 80
Pay-Roll of Quartermaster-General's men, at rates by law..	447 90
Total.....	$61,434 94
Appropriation by an Act approved March 20, 1860.....	60,475 85
Deficiency on bills reduced by Assembly Committee and Pay-Rolls at rates established by law.....	$959 09
Amount of further approved bills by Board of Examiners..	2,141 70
Total deficiency.....	$3,100 79

For which sum of three thousand one hundred dollars and seventy-nine cents, I respectfully recommend that an appropriation be made directly to the parties named, and for the sums for which they are each entitled.

JOHN G. DOWNEY,
Governor.

The claims above reported were referred to the Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, April 11, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 438, An Act making an appropriation for the Payment of the Copying of the Legislature during the Eleventh Session.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Friday, April 13, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 296, Substitute for Assembly Bills, Nos. 239, 245, 248, 279, 296, and 328, An Act to change the Names of Persons herein named.

Also, have indefinitely postponed Assembly Bill, No. 258, An Act to provide for a Convention to revise and change the Constitution of this State.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Friday, April 13, 1860.

Mr. SPEAKER:—The Senate have this day concurred in Assembly Concurrent Resolution, No. 63, Relative to the Pay of the State Translator;

Also, have passed Assembly Bill, No. 454, An Act supplemental to "An Act to confer further Powers upon the Board of Education, the Auditor, and Treasurer, of the City and County of San Francisco.

J. R. BEARD,
Secretary of Senate.

SENATE CHAMBER,
April 12, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State;

Also, have refused to concur in the report of the Committee on Free Conference on Senate Bill, No. 89, An Act to create the Office of State Geologist;

Also, have passed Senate Bill, No. 281, An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State;

Also, Senate Bill, No. 280, An Act to fix the Compensation of the District Attorney of Tulare County;

Also, Senate Bill, No. 274, An Act to release certain Judgments;

Also, Senate Bill, No. 261, An Act to audit and allow the Claim of J. W. Warner;

Also, Senate Bill, No. 241, An Act to provide for the Location of the County Seat of Yolo County;

Also, Senate Bill, No. 139, An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 440, An Act to amend an Act entitled "An Act to annex a portion of San Joaquin County to Stanislaus County," approved February seventeenth, one thousand eight hundred and sixty;

Also, Assembly Concurrent Resolution, No. 70, Relative to a Semi-Weekly Mail from San Luis Obispo to Los Angeles by Land;

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 139, 241, 261, and 281, above reported—were read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 274, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 280, above reported—was read first and second times, and referred to the Tulare Delegation.

Senate Bill, No. 43, above reported—was read first and second times, and made the special order for April sixteenth, one thousand eight hundred and sixty, at ten minutes past twelve, and every day thereafter, until disposed of.

FURTHER MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Saturday, April 14, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 281, An Act to authorize the Administrator of the Estate of Albert Wardwell, deceased, to sell Real Estate of said deceased at Public or Private Sale;

Also, Senate Bill, No. 292, An Act making appropriations for Deficiencies made for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 292, above reported—was read first and second times, considered in Committee of the Whole, reported with amendments, rules suspended, amendments adopted, read third time, and passed.

Senate Bill, No. 286, above reported—was read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Tuesday, April 10, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to audit a Claim of Thomas C. Faris, with amendments;

Also, Senate Bill, No. 196, An Act to appropriate Money for the Relief of destitute Females in San Francisco;

Also, Senate Bill, No. 247, An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files and to provide for the Payment of the same.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 247, above reported—read first and second times, and referred to the Committee on Education.

The House concurred in Senate amendments to Assembly Bill, No. 238, above reported.

Senate Bill, No. 196, above reported—read first time.

Mr. Harville moved to reject the bill.

Upon which, Messrs. Conness, Rogers of San Francisco, and Babcock, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Bowman, Burson, Coombs, Haliday, Hammond, Harville, Jenkins, Johnson of Sierra, Kungle, Lambert, Laspeyre, Patten, Stone, Williams, Wilson, and Yager—18.

Noes—Messrs. Babcock, Conn, Conness, Covarrubias, Crowell, Daggett, Ellis, Fairchild, Johnson of Amador, King, Lamar, Lovell, Makins, Malarin, Maxson, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Theller, Warner, Watson, Welty, Wescott, White, Yancey, and Mr. Speaker—37.

Senate Chamber,
April 14, 1860.

Mr. Speaker:—The Senate on yesterday, passed Senate Bill, No. 63, An Act to audit and allow the Claim of D. O. Mills & Co.;

Also, have this day concurred in Assembly amendment of Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 63, above reported—read first and second times, and referred to the Committee on Claims.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Burson:

Relative to Increase of Pay to Assistant Enrolling and Engrossing Clerks.

Referred to Committee on Accounts and Expenditures,

By Mr. Johnson of Sierra:

Resolved, By the Assembly, the Senate concurring, that the German Translator be, and is hereby allowed the same amount per folio for translating, as is allowed by resolution to the Spanish Translator, payable equally out of the Contingent Fund of the Assembly and Senate.

On motion of Mr. Conness, was indefinitely postponed.

By Mr. Johnson of Amador:

Resolved, That one dollar per day, payable out of the Contingent Fund of the Assembly, be allowed to each of the Pages of the Assembly, in addition to their present *per diem*, to commence at the date of their appointment and continue until the close of the session.

Adopted.

On motion of Mr. Daggett, the Claim of Nicholas Tack was referred to the Committee on Claims.

Mr. Daggett made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five;

Also, substitute for Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty.

JOHN DAGGETT,
Chairman.

Mr. Welty moved that the Committee on Ways and Means report Assembly Bill, No. 305, and that the bill be made the special order for Monday, April sixteen, at ten minutes past twelve, M.

Carried.

Mr. Warner moved that the Senate amendments to Assembly Bill, No. 43, be printed.

Carried.

Mr. Sawyer moved that Assembly Bill, No. 355, be taken from the file of unfinished business and placed upon the general file.

Carried.

Mr. Stevenson gave notice of the introduction of a bill for An Act to extend the franchise of certain parties to erect a Bridge over the Sacramento River at the Town of Red Bluff.

The following resolution was offered by Mr. Bailey of Tuolumne:

Resolved, That the sum of forty dollars is hereby appropriated out of the Contingent Fund of the Assembly, for pay of the Sergeant-at-Arms of Special Capital Committee.

Indefinitely postponed.

Mr. Johnson of Sierra, offered a resolution relative to paying Julius Schultz.

Referred to Committee on Accounts and Expenditures.

Mr. Johnson of Amador, gave notice of a bill for An Act for the better protection of Mining Claims.

Assembly Bill, No. 436, An Act authorizing the Counties of Klamath and Del Norte to retain the State's portion of the Poll-Taxes, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax which shall be collected in said Counties for the year one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of Roads and Highways in said Counties—was read second time and laid on the table.

Mr. Johnson of Sierra, offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their utmost endeavors to have an *ad valorem* tariff of one hundred per cent. levied upon rice.

Lost.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Williams, An Act to exempt certain Property from Taxation.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

Also, An Act to amend "An Act to Regulate the Settlement of Estates of deceased Persons," passed May first, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Burson, An Act recommending to the Electors of this State to vote for or against a Convention to revise and change the Constitution of the State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Beach, An Act concerning Roads and Highways in the County of Placer.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Welty, An Act to prohibit the carrying of Deadly Weapons.

Read first time;

Also, An Act to pay the Claim of H. C. Kibbe.

Read first and second times, and referred to the Committee on Claims.

By Mr. Maxson, An Act concerning the office of District Attorney for the County of Los Angeles.

Read first and second times, and referred to the Los Angeles Delegation;

Also, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road Purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed;

Also, An Act to grant the right to Construct a Bridge across the South Eel River, in Mendocino County, to certain parties therein named.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Johnson of Amador, An Act to amend Section two hundred and nineteen of the Act of April twenty-nine, one thousand eight hundred and fifty-one, entitled "An Act to regulate Proceedings in Civil Cases."

Read first and second times, and referred to the Committee on Mines and Mining Interests;

Also, An Act in relation to a Special Tax for Road Purposes in the County of Amador.

Read first and second times and referred to Amador Delegation;

Also, An Act concerning the Independent Order of Knighthood.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Tilton, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Rodgers of San Francisco, An Act supplementary to an Act entitled "An Act to amend 'An Act to regulate the Settlement of the Estates of deceased Persons,'" passed February seventh, one thousand eight hundred and sixty.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Yager, An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to reissue certain Coupons of the Bonds of said County to Jesse N. Bolles.

Read first and second times, rules suspended, considered engrossed, read third time, and passed;

Also, An Act to fix the Compensation of the County Judge of Contra Costa County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Stone, An Act to repeal an Act approved March twenty-second, one thousand eight hundred and sixty, "Concerning Inspectors of Beef, Pork, and Salt Provisions."

Read first time.

On motion of Mr. Lawrence, the bill was rejected.

By Mr. Gwinn, An Act concerning Publications in Yolo County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hayes, An Act for the construction and improvement of a Wagon Road leading from Lake City to Utah Territory, called the Henness Pass Route.

Read first and second times and referred to a Special Committee of three.

By Mr. Conn, An Act to extend the provisions of an Act approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend 'An Act to regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. O'Connor, An Act to provide for the Inspection of Flour.

Read first and second times.

Upon its reference to the Committee on Commerce and Navigation, Messrs. Williams, Conn, and Lawrence, demanded the ayes and noes, and the reference was lost by the following vote:

AYES—Messrs. Covarrubias, Hammond, Hayes, Johnson of Sierra, Laspeyre, Lovell, O'Connor, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Welty, Wescott, and Wilkins—16.

NOES—Messrs. Bailey of Tuolumne, Beach, Bowman, Burson, Conn, Crowell, Dunlap, Ellis, Haliday, Halsted, Harville, Henry, Howe, Hugg, Jenkins, Johnson of Amador, Kungle, Lambert, Lawrence, Makins, Malarin, Maxson, McDermit, Rogers of San Francisco, Sawyer, Stone, Warner, Watson, White, Williams, Wilson, and Yancey—33.

The bill was indefinitely postponed.

REPORTS.

Reports were made as follows:

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of Adulterated Spiritous or Alcoholic Liquors, Wines, or Cider.

B. P. HUGG.

By Mr. Wescott:

Mr. SPEAKER:—Your Committee to whom was referred Assembly Bill, No. 457, have had the same under consideration, and beg leave to report the bill back to the House without amendments and recommend its passage.

G. W. BAILEY,
MINER WALDEN,
J. WESCOTT.

By Mr. Johnson of Sierra:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom Assembly Bill, No. 433, An Act concerning Auctioneers, was referred, report the same back to the Assembly and a majority of your committee recommend its passage.

BAILEY of Tuolumne,
JOHNSON of Sierra,
MINER WALDEN,
HENRY.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 69, Relative to Indian Reservations in California, the special order—was taken up, amended, and adopted.

Assembly Bill, No. 332, An Act to provide for the issue of Duplicate Certificates of Land purchased from this State in all cases where the Originals have been lost or destroyed—rules suspended, considered engrossed, read third time, and passed.

Senate Bill, No. 273, An Act to authorize Joshua Chadbourne and Josiah Bacon to construct and maintain a Wharf at Lakeville, in the County of Sonoma—was read third time and passed.

At two o'clock, P. M. on motion of Mr. Lambert, the House adjourned to Monday morning at ten o'clock.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 16, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
Roll called.
Quorum present.
Journal of Saturday read and approved.

On motion of Mr. Conness, the House took a recess until fifteen minutes past eleven o'clock, A. M.

The House re-assembled at a quarter past eleven o'clock, A. M.

RESOLUTIONS.

Mr. Conness offered the following resolutions:

WHEREAS, The Hon. John C. Bell, a member of this body, representing the county of El Dorado, has deceased, having met his death while in the capitol in the performance of his public duties; and, *whereas*, we recognize in our late distinguished associate a man of sterling worth, honest, upright, courteous, and brave, whose private life and unspotted public reputation challenged the admiration of all who knew him; therefore,

Resolved, That as a testimonial to his memory, this House do now adjourn to pay him our last sad tribute of respect, and that the members of this body wear the usual badge of mourning for the period of thirty days.

Resolved, That the sum of one thousand dollars is hereby appropriated out of the Contingent Fund of the Assembly for the purpose of defraying the expenses attendant upon the death of the Hon. John C. Bell, and to procure a proper place of interment and the erection of a suitable monument to mark his final resting place; and that a committee of three be appointed to carry out the object of this resolution.

Resolved, That these proceedings, together with those of the Senate, be communicated to the family of the deceased.

Resolved, That the Senate be notified of these proceedings.

Adopted.

The Speaker *pro tem.* announced Messrs. Conness, Welty, and Beach, the committee under the resolution, and declared the House adjourned until to-morrow morning, at ten o'clock.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 17, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Mr. Lambert offered a Concurrent Resolution, Relative to the Protest of the President of the United States to the House of Representatives.

Mr. Conness moved to refer the resolutions to the Committee on Federal Relations.

Mr. Wilkins moved to lay the whole subject on the table.

Mr. Rodgers of Tuolumne moved the previous question.

Sustained.

On laying the resolutions on the table, Messrs. Lamar, Howe, and

Rodgers of Tuolumne, demanded the ayes and noes, and the House refused by the following vote :

Ayes—Messrs. Burson, Conness, Harvilie, Maxson, O'Connor, Tilton, and Wilkins—7.

Noes—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Hayes, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Makins, Malarin, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Swan, Theller, Warner, Watson, White, Wilson, Yager, and Mr. Speaker—52.

On the adoption of the resolutions, Messrs. Lamar, Rodgers of Tuolumne, and Haliday, demanded the ayes and noes, and they were adopted by the following vote :

Ayes—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Covarrubias, Crowell, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Hammond, Harville, Hayes, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Makins, Malarin, McDermit, O'Rear, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Sutter, Stevenson, Stone, Warner, Watson, White, Wilkins, Wilson, Yager, and Mr. Speaker—48.

Noes—Messrs. Burson, Conness, Halsted, Maxson, O'Connor, Smith of Nevada, Swan, and Tilton—8.

Mr. Moore gave notice of reconsideration.

Mr. Conness verbally reported Assembly Bill, No. 318, An Act to provide for the Election of a Board of Supervisors in the County of El Dorado, and to define their Powers and Duties, and to provide for their Compensation, with a substitute, and recommended the passage of the substitute.

Rules suspended, substitute adopted, considered engrossed, read third time and passed.

Mr. Daggett made the following report :

Mr. Speaker :—The Committee on Enrollment have examined and found correctly enrolled Assembly Concurrent Resolution, No. 70, Relating to a Semi-Weekly Mail from San Luis Obispo to Los Angeles, by Land;

Also, Assembly Bill, No. 338, An Act to Incorporate the City of Santa Barbara.

JOHN DAGGETT,
Chairman.

GENERAL FILE.

Assembly Bill, No. 355, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year one thousand eight hundred and fifty-six—was considered in Committee of the Whole, reported, and passage recommended.

Pending the consideration of the bill, the hour arrived for the consideration of the special order, Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State.

Mr. Beach moved a call of the House.

Sustained.

Roll called.

Absent—Messrs. Bailey of Santa Clara, Coombs, Gallagher, King, Lawrence, Lewis, O'Rear, Patten, Shannon, Shattuck, Watson, Williams, and Yager.

On motion of Mr. Beach, further proceedings under the call were dispensed with.

On motion of Mr. Gwinn, the further consideration of the special order was postponed for half an hour, for the purpose of further considering Assembly Bill, No. 355.

Mr. Goodman moved to strike out the enacting clause.

Upon which, Messrs. Laspeyre, Yancey, and Heston, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bowman, Burson, Campbell, Dunlap, Goodman, Hugg, Stone, Tilton, and White—9.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Conness, Covarrubias, Crowell, Daggett, Ellis, Fairchild, Gallagher, Gwinn, Haliday, Hammond, Harville, Henry, Heston, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lawrence, Lovell, Makins, Malarin, Maxson, McDermit, O'Connor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Theller, Warner, Watson, Wilkins, Williams, Wilson, Yancey, and Mr. Speaker—45.

On ordering the bill engrossed, Messrs. Laspeyre, Johnson of Amador, and Goodman, demanded the ayes and noes, and the House so ordered by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Conness, Covarrubias, Crowell, Daggett, Ellis, Fairchild, Gwinn, Haliday, Hammond, Harville, Henry, Heston, Howe, Hundley, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lawrence, Lovell, Makins, Malarin, Maxson, McDermit, O'Connor, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Starr, Stevenson, Theller, Walden, Warner, Wilkins, Wilson, Yancey, and Mr. Speaker—42.

Noes—Messrs. Bailey of Santa Clara, Bowman, Burson, Campbell, Dunlap, Goodman, Hugg, Johnson of Amador, Patten, Smith of Sutter, Stone, Swan, and Yager—13.

Mr. Stevenson made the following report:

Mr. Speaker:—Your Committee on Claims, to whom was referred the claims of J. B. Dayton and *California Farmer*, have had the same under consideration, and report the same back, with accompanying bill, and recommend its passage;

Also, the claims of Geo. H. Goddard, for services as Deputy State Surveyor, and A. R. Melony, for amount paid Attorneys in the case of McCauley *v.* Melony, have had the same under consideration, and recommend that they be rejected.

E. A. STEVENSON,
Chairman.

Bill above reported read first and second times, and placed on file.

At half past one o'clock, on motion of Mr. Conness, the House took a recess for one hour.

The House re-assembled at half past two o'clock.

Mr. Sawyer moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Burson, Conness, Gallagher, Gwinn, Halsted, Hammond, Henry, Heston, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Laspeyre, Lovell, O'Rear, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Theller, Walden, Watson, Welty, Wescott, White, Yager, and Yancey.

On motion of Mr. Johnson of Sierra, further proceedings under the call were dispensed with.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Hundley:

Resolved, By the Assembly, that the Controller of the Sttea be and he is hereby required to report to this body, as soon as practicable, the amount of appropriations made at the present session of the Legislature, and for what said appropriations were made.

Adopted.

By Mr. Phelps:

Resolved, That the San Francisco Delegation be required to report back on to-morrow, Assembly Bill, No. 420, referred to them.

Adopted.

By Mr. Johnson of Sierra:

Resolved, By the Assembly, the Senate concurring, that nine hundred and sixty copies of the reports of the proceedings of the Assembly and Senate, in honor of the memory of John C. Bell, be printed in handsome form for the use of members of the Senate and Assembly.

Resolved, That Chas. A. Sumner and P. J. Malone, Reporters, be authorzed to prepare said reports for publication.

Adopted.

SPECIAL ORDER.

Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California arising out of or connected with the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the surrender of the State Prison to the State—was considered in Committee of the Whole, reported with amendments and passage recommended, amendments adopted, read third time.

On its passage, Messrs. Johnson of Sierra, Johnson of Amador, and Kungle, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Conness,

Coombs, Covarrubias, Crowell, Daggett, Ellis, Fairchild, Goodman, Halsted, Hammond, Harville, Hayes, Hugg, Hundley, Jenkins, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Makins, Malarin, McDermit, O'Connor, Pate, Rogers of San Francisco, Shannon, Smith of Nevada, Starr, Stevenson, Swan, Tilton, Warner, Watson, White, Williams, Yager, and Mr. Speaker—42.

NOES—Messrs. Dunlap, Haliday, Johnson of Amador, Johnson of Sierra, King, Kungle, Smith of Sutter, Stone, and Wilson—9.

Assembly Joint Resolution, No. 64, and Assembly Bills, Nos. 352, 353, and 354, relative to State prison matters—were laid on the table.

Senate Bill, No. 140, and substitute for Assembly Bills, Nos. 324, 325, and 329, relative to swamp and overflowed lands—were taken from the unfinished business and restored to the general file.

REPORTS.

Reports were made as follows:

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 244, An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba.

B. P. HUGG,
Chairman *pro tem.*

By Mr. Halsted:

Mr. SPEAKER:—The Committee on Engrossment have examined and find correctly engrossed the following bills:

Assembly Bill, No. 355, An Act to provide for the pay of Troops called out by the Governor of this State to quell insurrection in one thousand eight hundred and fifty-six.

Also, Assembly Bill, No. 456, An Act to authorize the County Recorder of Shasta County to transcribe certain Records, and to legalize the same.

HALSTED,
For Committee.

By Mr. Williams:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate Bill, No. 274, An Act to release certain Judgments, have had the same under consideration, and report the bill back, and recommend its passage.

Also, Assembly Bill, No. 460, An Act to amend "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one, is reported back, with the recommendation that it pass.

Also, Assembly Bill, No. 462, An Act recommending to the Electors of the State to vote for or against calling a Convention to revise and change the Constitution of the State, is reported back, with the recommendation that it pass.

Assembly Bill, No. 455, An Act supplementary to, and amendatory of, the Act of April 16, one thousand eight hundred and sixty, concerning Crimes and Punishments, and the various Acts amendatory thereof, is reported back, with the recommendation that it do not pass.

WILLIAMS,
Chairman.

The rules were suspended, and Senate Bill, No. 274, above reported, read third time and passed.

By Mr. Ellis:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento to levy a Special Tax, have had the same under consideration, and report it back with certain amendments, and when so amended recommend its passage.

ELLIS.

The rules were suspended, and Senate Bill, No. 271, above reported, read third time and passed as amended.

At five o'clock, P. M. on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 18, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Crowell had indefinite leave of absence.
Mr. Bowman had leave of absence for one day.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, April 14th, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 257, An Act to pay the Fees of Attorneys in certain cases in which the State is interested;

Also, Senate Bill, No. 163, An Act in relation to Publications;

Also, Senate Bill, No. 294, An Act to authorize the Secretary of State to sell certain refuse Stationery belonging to the State;

Also, Senate Bill, No. 119, An Act making Appropriation for the Payment of D. J. Snyder for Services rendered by him.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 119 and 257, above reported—read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 163, above reported—read first and second times, and placed on file.

Senate Bill, No. 294, above reported—read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Tuesday, April 17, 1860.

Mr. SPEAKER:—The Senate, on Saturday, April fourteenth, passed Assembly Bill, No. 124, An Act to authorize J. C. Cissna to construct a Bulkhead and Wharf at the Port of San Luis Obispo, and providing for the same, with amendments;

Also, indefinitely postponed Assembly Bill, No. 422, An Act to amend "An Act to alter and define the Boundary Lines of Tehama County;"

Also, on yesterday, passed Assembly Bill, No. 130, An Act for the relief of Witnesses in Criminal Cases in the City and County of Sacramento;

Also, Assembly Bill, No. 410, An Act to authorize the Executrix of W. B. Olds, deceased, to sell Real Estate of her Testator at Private Sale;

Also, Senate Bill, No. 291, An Act to create the Office of State Geologist, and define the Duties thereof;

Also, Senate Bill, No. 300, An Act to provide for the Laying Out and Construction of certain Roads in the County of San Joaquin, and to compensate the Owners of Land taken for that purpose;

Also, Senate Bill, No. 299, An Act to provide for the collection of Delinquent Taxes in Colusa County;

Also, Assembly Concurrent Resolution, No. 69, Relative to Indian Reserves in California;

Also, passed Assembly Bill, No. 448, An Act to authorize William Norris, Administrator of the Estate left unadministered of the Estate of Jas. Blair, deceased, to sell the same at Private Sale;

Also, have concurred in Assembly amendments to Senate Bill, No. 292, An Act making Appropriations for Deficiencies made for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 124, above reported.

Senate Bill, No. 300, above reported—read first and second times, and referred to the San Joaquin Delegation.

Senate Bill, No. 291, above reported—read first and second times, considered in Committee of the Whole, reported and recommended, read third time, and passed.

Senate Bill, No. 299, above reported—read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Tuesday, April 17, 1860.

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 301, An Act to authorize the Board of Supervisors of the City and County of San Francisco to subscribe to the Capital Stock of the San Francisco and San José Railroad Company;

Also, Senate Bill, No. 303, An Act to authorize the Board of Supervisors of the County of San Mateo to subscribe to the Capital Stock of the San Francisco and San José Railroad Company;

Also, Senate Bill, No. 304, An Act to fix the Times of the Meeting of the Supervisors of Del Norte County;

Also, Senate Bill, No. 306, An Act supplementary to, and explanatory of, an Act entitled "An Act to authorize the collection of the State and County Taxes in Mariposa County;"

Also, Senate Bill, No. 275, An Act to audit and allow the Claim of Edmund Williamson & Company;

Also, Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants;

Also, Assembly Bill, No. 411, An Act for the relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County.

D. J. WILLIAMSON,
Ass't Secretary of Senate.

Senate Bills, Nos. 301, 303, 304, and 306, above reported—read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 275, above reported—read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
Wednesday, April 18, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 288, An Act amendatory of an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-three, and amended and approved April fourteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County to subscribe to the Capital Stock of the San Francisco and San José Railroad Company;

Also, have concurred in Assembly Concurrent Resolution, No. 72, Relative to the Proceedings of the Legislature in regard to the Death of the Hon. John C. Bell;

Also, have concurred in Assembly amendments to Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento to levy a Special Tax;

Also, Senate Bill, No. 311, An Act to appropriate Money for the Payment of certain Claims.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 310, above reported—read first and second times, amended, rules suspended, read third time, and passed.

Senate Bill, No. 288, above reported—read first and second times, and placed on top of file.

Senate Bill, No. 311, above reported—was read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
Wednesday, April 18, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 192, An Act to provide for the construction of a Railroad from a Point on Petaluma Creek into the City of Petaluma, and the Right of Way for the same, with amendments;

Also, Senate Bill, No. 309, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax for the construction of a Wagon Road;

Also, have indefinitely postponed Assembly Bill, No. 322, An Act to authorize Daniel Sink and Associates to construct a Turnpike Road through Russian River Cañon.

DAVID J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 192, above reported.

Senate Bill, No. 309, above reported—read first and second times, and referred to the Calaveras Delegation.

SENATE CHAMBER,
Monday, April 16, 1860.

Mr. SPEAKER:—The Senate, on Saturday, passed Assembly Bill, No. 338, An Act to Incorporate the City of Santa Barbara.

J. R. BEARD,
Secretary of the Senate.

SENATE CHAMBER,
Wednesday, April 18, 1860.

Mr. SPEAKER:—The Senate, this day, adopted Senate Concurrent Resolution, No. 72, Relative to the Printing of the State Agricultural Society's Report, and ask the concurrence of the Assembly therein.

J. R. BEARD,
Secretary of the Senate.

The House concurred in Senate Concurrent Resolution, No. 72, above reported.

GENERAL FILE.

Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to Restrict the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin,'" approved April fifteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 401, An Act to provide for the better Collection of Foreign Miners' License—read third time, and passed.

Assembly Bill, No. 413, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties of this State.

On suspending the rules to consider the bill engrossed, Messrs. Conness, Goodman, and Jenkins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Burson, Covarrubias, Daggett, Dunlap, Fairchild, Gallagher, Gwinn, Halsted, Heston, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Lawrence, Lovell, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Stevenson, Stone, Theller, Walden, Warner, Watson, Welty, Wescott, White, Wilkins, Wilson, and Yancey—40.

NOES—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Conness, Ellis, Goodman, Haliday, Hammond, Harville, Howe, Hundley, Jenkins, King, Kungle, Laspeyre, Makins, Shattuck, Smith of Nevada, Starr, Swan, Williams, Yager, and Mr. Speaker—26.

Mr. Johnson of Sierra, moved the previous question.

Upon which, Messrs. Conness, Hundley, and Howe, demanded the ayes and noes, and the vote was sustained by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Beach, Burson, Campbell, Covarrubias, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Johnson of Sierra, Lamar, Lambert, Lovell, Malarin, McDermit, Patten, Stevenson, Theller, Warner, Watson, Wescott, and Yancey—29.

Noes—Messrs. Conness, Dunlap, Harville, Hundley, Laspeyre, Lawrence, Maxson, O'Connor, Pate, Phelps, Sawyer, Smith of Nevada, Starr, Stone, Swan, Welty, White, Wilkins, Wilson, Yager, and Mr. Speaker—20.

Mr. Hundley moved a call of the House.

Lost.

On ordering the bill engrossed, Messrs. Beach, Harville, and Makins, demanded the ayes and noes, and the bill was ordered engrossed by the following vote:

Ayes—Messrs. Babcock, Burson, Campbell, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gwinn, Halsted, Henry, Heston, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Malarin, Maxson, McDermit, O'Connor, Pate, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Smith of Sutter, Stevenson, Swan, Theller, Warner, Watson, Welty, Wescott, White, Wilkins, Wilson, and Yancey—40.

Noes—Messrs. Bailey of Santa Clara, Beach, Conness, Coombs, Goodman, Haliday, Hammond, Harville, Hayes, Howe, Hundley, Makins, Shattuck, Smith of Nevada, Starr, Stone, Williams, Yager, and Mr. Speaker—19.

Mr. Conness offered a concurrent resolution, granting leave of absence to the State Treasurer from the State for one month.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate;

Senate Chamber,
Wednesday, April 18, 1860.

Mr. Speaker:—The Senate this day adopted Senate Concurrent Resolution, No. 74, Relative to sending the original Vouchers on the Indian War Claims to our Senators and Representatives, in Congress.

D. J. WILLIANSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 74, above reported.

REPORTS.

Reports were made as follows:

By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly Bill, No. 467, An Act to fix the Compensation of the County Judge of Contra Costa County;

Also, Assembly Bill, No. 458, An Act fixing the Terms of the District Court, County Court, and Court of Sessions, for the County of Mendocino;

Also, Assembly Bill, No. 469, An Act concerning Publications in Yolo County;

Also, Assembly Bill, No. 478, An Act supplementary to an Act entitled "An Act to amend 'An Act to regulate the Settlement of the Estates of Deceased Persons,'" passed February seventh, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 437, An Act for the better Protection of Laborers, Mechanics, and other Workmen;

Also, Assembly Bill, No. 465, An Act concerning the Independent Order of Knighthood;

Also, Assembly Bill, No. 426, An Act to provide for the Re-Sale of the Public Lands, sold by the State on a Credit, and declared Forfeited by reason of the non-payment of the Interest or Principal;

Also, Assembly Bill, No. 332, An Act to provide for the Issue of Duplicate Certificates of Lands purchased from this State, in all cases where the Originals have been lost or destroyed;

Also, Assembly Bill, No. 461, An Act to exempt certain Property from Taxation.

BEN. T. O'REAR,
For Committee.

Also, by Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills and found them correctly engrossed:

Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the lease of the State Prison and Convict Labor and to procure the Cancellation of said Contract and the surrender of the State Prison to the State;

Also, Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento.

BEN. T. O'REAR,
For Committee.

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Engrossment have examined and found correctly enrolled Assembly Bill, No. 411, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County.

B. P. HUGG.

By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred certain deficiencies, recommended by the Board of Examiners, have had the same under consideration, and herewith return the accounts with the accompanying bill, and recommend the passage of the same.

E. A. STEVENSON,
Chairman.

Bill above reported—was read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Heston:

Mr. SPEAKER:—The delegation, to whom was referred Senate Bill, No. 280, An Act to fix the Compensation of the District Attorney of Tulare County, have had the same under consideration, and report the same back to the House, and recommend its passage.

T. M. HESTON,
For the Delegation.

The rules were suspended, and Senate Bill, No. 280, above reported—was read third time and passed.

Mr. Lamar introduced a bill for An Act making an appropriation for Deficiency in the appropriation for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year.

Read first and second times, considered in Committee of the Whole, reported and recommended, rules suspended, and considered engrossed.

By Mr. Goodman:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 117, An Act to amend an Act entitled "An Act to repeal the Act passed March twenty-fourth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento,'" report the same back together with a substitute, and unanimously recommend the passage of the substitute.

GOODMAN,
For Delegation.

Assembly Bill, No. 117, above reported—was taken up, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lamar:

Mr. SPEAKER:—The Committee on Ways and Means, to whom were referred Assembly Bills, Nos. 310, 426, 276, 345, 452, and 305, report the same without recommendation.

They have also had under consideration Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for paying certain equitable Claims against the State of California, and to contract a Funded Debt for that purpose," and recommend the passage of the same.

J. B. LAMAR,
Chairman.

At half past one P. M. the House, on motion of Mr. Conness, took a recess for half an hour.

The House reassembled at two o'clock.

SPECIAL ORDER.

Senate Bill, No. 43, An Act to provide Revenue for the support of the

Government of this State, the special order of the day, was taken up, considered in Committee of the Whole.

Mr. Harville in the Chair.

After spending some time in considering the same, the committee rose, reported progress, and had leave to sit again to-morrow, at half past one, P. M.

REPORTS.

Reports were made as follows:

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the following accounts, and find them correct, and recommend their payment, viz:

Purpose.	Amount.
The account of James Anthony & Co. for Daily and Weekly Unions furnished to members of the Assembly, to April 24, 1860	$100 97
Account of Hodge & Wood, for Stationery furnished to Assembly to March 20, 1860	325 00
Account of J. D. Thompson, for Mucilage furnished the Assembly from January 23, to February 27, 1860	11 00
Total	$445 97

DAN. ROGERS,
Chairman.

Adopted.

Also:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred a resolution authorizing the payment of three hundred and fifty-five dollars and twenty-five cents, to Julius Schulyr, have had the same under consideration, and report the accompanying Concurrent Resolution, and recommend its adoption.

DAN. ROGERS,
Chairman.

The resolution above reported was adopted.

Mr. Lamar offered the following resolution:

Resolved, That Charles D. Cushing, the Postmaster of the Assembly, be allowed the same pay from the commencement of the session to its adjournment, as is allowed and paid the Porters of the Assembly, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Phelps:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 420, An Act to grant the right of way, and to authorize certain Persons therein named, to lay down and maintain a Railroad Track within the limits of the City and County of San Francisco, and to

run Cars thereon, having been instructed by a resolution of this House to report the same to-day, herewith comply with the instructions therein contained. The delegation have had several meetings to discuss the provisions of said bill, and up to the time of the passage of the resolution referred to, were unable to agree upon any definite action in regard to the same, and being compelled thereby to report, return the bill to the House without recommendation.

TILTON,
F. SAWYER,
SAML. THELLER,
D. ROGERS,
B. P. PATE,
JOHN SCHMIDT,
PHELPS.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 413, An Act to provide for the issuance and payment of Bonds for expenses incurred in the Suppression of Indian hostilities in certain Counties in this State;

Also, Assembly Bill, No. 482, An Act for the payment of certain Claims and Deficiencies.

BEN. O'REAR,
For Committee.

Mr. Stevenson moved to adjourn.

Lost.

Mr. Wilkins moved to reconsider the vote by which the House on yesterday adopted Assembly Concurrent Resolution, No. 71, Relative to the protest of the President of the United States to the House of Representatives.

Carried.

The resolution was amended.

Upon their adoption, Messrs. Conness, Lambert, and Howe, demanded the ayes and noes, and they were adopted by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Campbell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lovell, Makins, Malarin, McDermit, O'Rear, Phelps, Rogers of San Francisco, Schmidt, Smith of Sutter, Stevenson, Stone, Warner, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, Yager, Yancey, and Mr. Speaker—47.

NOES—Messrs. Conness, Coombs, Halsted, Maxson, O'Connor, Shannon, Shattuck, Starr, Swan, and Tilton—10.

At ten minutes past five o'clock, P. M. Mr. Shannon moved to adjourn until ten o'clock to-morrow morning.

Upon which Messrs. Walden, Wilkins, and Laspeyre, demanded the ayes and noes, and the House agreed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Campbell, Conness, Coombs, Gallagher, Goodman, Halsted, Hammond, Harville, Hayes, Hundley, Johnson of Amador, Makins, Maxson, O'Connor, Rogers of San Francisco,

Schmidt, Shannon, Shattuck, Starr, Stevenson, Swan, Tilton, Warner, Watson, Welty, Wescott, White, Wilson, and Mr. Speaker—31.

Noes—Messrs. Beach, Daggett, Dunlap, Ellis, Fairchild, Gwinn, Haliday, Henry, Howe, Hugg, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lovell, McDermit, O'Rear, Phelps, Smith of Sutter, Stone, Walden, Wilkins, Williams, Yager, and Yancey—28.

IN ASSEMBLY.

House of Assembly,
Thursday, April 19, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Hundley offered the following resolution:

Resolved, That the Assistant Sergeant-at-Arms of the House be allowed the same per diem for services rendered during the session as is now allowed by law to the Sergeant-at-Arms, payable out of the Contingent Fund of the Assembly.

Mr. Johnson of Amador moved to lay the resolution on the table.

Upon which, Messrs. Johnson of Amador, Laspeyre, and Beach, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Fairchild, Goodman, Haliday, Hammond, Harville, Howe, Hugg, Jenkins, Johnson of Amador, King, Kungle, Laspeyre, Lawrence, Lovell, Makins, O'Connor, Patten, Shattuck, Stevenson, Stone, Tilton, Warner, Wescott, White, and Mr. Speaker—28.

Noes—Messrs. Bailey of Tuolumne, Conness, Coombs, Dunlap, Ellis, Gwinn, Halsted, Hayes, Heston, Hundley, Lamar, Lambert, O'Rear, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Smith of Sutter, Starr, Theller, Watson, Williams, Wilson, and Yager—24.

Mr. Ellis presented papers relating to the claim of D. H. Whipley.
Referred to the Committee on Claims.
Mr. Smith of Sutter made the following report:

Mr. Speaker:—The Committee on Change of Names have had under consideration Assembly Bills, Nos. 348, 370, and 427, and most respectfully report back the following substitute, and recommend its passage.

SMITH of Sutter,
STONE,
BEN. O'REAR,
B. J. HUNDLEY.

The substitute above reported adopted, rules suspended, considered engrossed, read third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lawrence, An Act for the Relief of John Houck.

Read first and second times, and referred to the Committee on Claims.

By Mr. White, An Act to authorize and require the State Treasurer to issue War Bonds, for the relief of J. S. P. Bass & Company.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Bailey of Tuolumne:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 470, An Act for the Construction and Improvement of a Wagon Road from Lake City to Utah Territory, called the Henness Pass Route, after consideration, report the bill back to the House, without amendment, and recommend its passage.

BAILEY,
For Committee.

By Mr. Yager:

Mr. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 249, An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the Payment of the same, would report the same back, and recommend its passage.

C. YAGER,
Chairman.

Senate Bill, No. 247, above reported—was taken up, considered in Committee of the Whole, reported with amendments, passage recommended, read third time, and passed.

By Mr. Warner:

Mr. SPEAKER:—The Committee on Agriculture, to whom was referred the engrossed Assembly Bill, No. 297, with special instructions to strike out, in line eighth, section first, the words "San Luis Obispo," and insert the word "Merced," report the same back, with the amendments as inserted.

J. J. WARNER,
Chairman.

The House concurred in amendments to the bill above reported, bill read third time and passed.

By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 275, An Act to audit and allow the Claim of Edmund Williamson & Co. have had the same under consideration, and herewith return the bill with amendments, and recommend its passage as amended;

Also, Senate Bill, No. 119, An Act making an appropriation for the payment of D. J. Snyder for Services rendered by him, have had the same under consideration, and recommend the passage of the bill;

Also, substitute for Senate Bill, No. 63, An Act to audit and allow the

Claim of D. O. Mills & Co. and herewith return the bill, and recommend its passage;

Also, Assembly Bill, No. 423, An Act for the Relief of Jno. F. Carey, Treasurer of Klamath County, and recommend the passage of the bill;

Also, the claim of Jno. S. Love, for expenses incurred by him as one of the Board of Land Commissioners, herewith report the claim back with the accompanying bill, and recommend the passage of the bill;

Also, the claim of T. H. & T. A. Owens, for blankets furnished troops in San Francisco in one thousand eight hundred and fifty-six, and recommend that the parties be allowed to withdraw the papers;

Also, the claim of N. Tack, for amount paid for the arrest of two escaped convicts, and recommend that it be rejected.

E. A. STEVENSON,
Chairman.

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 466, An Act to provide for the Construction of a McAdamized Road, within the limits of the City and County of San Francisco, have had the same under consideration, and report it back, and recommend its passage.

TILTON,
For the Delegation.

Mr Shannon introduced Joint Resolution, Relative to passage of Homestead Law by Congress.

Read first and second times.

Mr. Gwinn verbally reported, with amendments, Assembly Bill, No. 415.

Recommitted to the Committee on Swamp and Overflowed Lands.

Mr. Bailey of Tuolumne, offered a resolution, Relative to repairing the Portrait of Henry Clay.

Referred to a Special Committee of three, viz: Messrs. Bailey of Tuolumne, Smith of Nevada, and Welty.

Mr. McDermit made the following report:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Old Appendix	645	15 cts.	$96 75
New Appendix	441	15 cts.	66 15
For Printer, etc	1,736	10	173 60
Totals	2,822		$336 50

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and he is hereby, authorized, to draw his warrant in favor of the Chief Clerk, J. M. Anderson, for the sum of three hundred and thirty-six dollars and fifty cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman

Adopted.

Mr. Lamar offered a Concurrent Resolution, Relative to the withdrawal of the Federal Troops from the State.

Referred to the Committee on Federal Relations.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 462, An Act to grant the right of Constructing a Bridge across South Eel River, Mendocino County, to certain parties therein named;

Also, Assembly Bill, No. 464, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road purposes.

Also, Assembly Bill, 459, An Act to define the duties of Officers and Employés of the Assembly, establish their Pay, and to repeal all existing Laws in relation thereto.

BEN. T. O'REAR,
Of Committee.

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrolled Bills have examined Assembly Bill, No. 339, An Act to regulate the Fees of Office in the County of Yuba, and found it correctly enrolled, and taken the same to the Governor.

B. P. HUGG,
Of Committee.

By Mr. Johnson of Amador:

Mr. SPEAKER:—The El Dorado and Amador Delegation, to whom was referred Assembly Bill, No. 343, An Act to define the Boundaries of the County of Amador, report the same back with an amendment, and respectfully recommend its passage as amended.

The House concurred in amendment to the bill just reported, suspended the rules, considered the bill engrossed, read third time and passed.

Mr. Shannon gave notice of an amendment to the first order of business.

GENERAL FILE.

Assembly Bill, No. 414, An Act amendatory of, and supplementary to, An Act to regulate Proceedings in Civil Cases," passed April twenty-nine, one thousand eight hundred and fifty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 19, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same,'" passed May six, one thousand eight hundred and fifty-one, approved April thirty, one thousand eight hundred and fifty-eight—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 453, An Act for the Relief of the Heirs of P. Dillon —rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 407, An Act for the benefit of Married Women—ordered engrossed.

Mr. Bailey of Tuolumne, made the following report:

Mr. SPEAKER:—The Special Committee, to whom was referred Assembly Resolution, Relative to Portrait of Henry Clay, would recommend that the resolution lay on the table, for the reason that neither as a likeness, nor as a work of art, would it do justice to the great patriot statesman, nor to the State of California.

G. W. BAILEY,
D. W. WELTY,
C. F. SMITH.

The resolution above reported was laid on the table.

GENERAL FILE, RESUMED.

Assembly Bill, No. 432, An Act concerning District Court Reporters for the Fourth, Sixth, and Twelfth, Judicial Districts—was recommitted to the Judiciary Committee.

Assembly Bill, No. 385, An Act concerning Goats found running at large in the County of Sacramento—was ordered engrossed.

Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara—was made special order for April twentieth, at ten minutes past twelve, M.

Assembly Bill, No. 415, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges," approved April twenty-fourth, one thousand eight hundred and fifty-eight—amendments adopted, rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 417, An Act amendatory of, and supplementary to, an Act approved March seventh, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming."

Mr. Johnson of Sierra moved to indefinitely postpone the bill.

Lost.

The bill was read third time and passed.

Senate Bill, No. 63, An Act to audit the Claim of D. O. Mills & Company—was read third time and passed.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 402, An Act to authorize the Guardians of Alice March to sell Personal Property at Private Sale;

Also, Assembly Bill, No. 397, An Act to legalize the acts of the Public Administrator of the County of Yolo;

Also, Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora to levy a Special Tax for the benefit of the Fire Department.

JOHN DAGGETT,
Chairman.

By Mr. Babcock:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 226, An Act to audit and allow the Claim of Charles A. Clark, have had the same under consideration, and herewith return the bill, and recommend its passage.

T. F. JENKINS,
J. BABCOCK.

By Mr. Lamar:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly Bill, No. 388, entitled An Act to repeal all Acts and parts of Acts amendatory of, and supplementary to, an Act entitled "An Act to establish a Standard of Weights and Measures," report the same without recommendation.

J. B. LAMAR,
Chairman.

By Mr. Makins:

Mr. SPEAKER:—The undersigned, a minority of the Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 433, an act entitled An Act to provide for the appointment of Auctioneers, and define their Duties, respectfully dissent from the recommendation of the majority of said committee, and herewith present a substitute for said bill, No. 433, and recommend its adoption.

J. W. MAKINS,
LAMBERT.

By Mr. Warner:

Mr. SPEAKER:—Your committee to whom was referred Senate Concurrent Resolution, No. 72, Relative to the Printing of the State Agricultural Society's Report, have had the same under consideration, and beg to report that we have considered the same and recommend its passage.

Your committee are informed that the report of the State Agricultural Society for the year one thousand eight hundred and fifty-eight, two thousand five hundred copies of which were printed by order of the Senate, has been eagerly sought for by corresponding societies and gentlemen connected with agriculture throughout the Atlantic States, as well as in Europe, from the Corresponding Secretary of the society. Your committee are informed that he has not been able to furnish as many copies of the transactions of the society as was demanded, and that a large number of applications have been received for copies of the report for one thousand eight hundred and fifty-nine.

Impressed with the importance of the subject, your committee believe that it will be advisable to authorize the printing of the number proposed by the resolution, as we believe that number will be required.

Your committee have inquired respecting the probable cost of printing the transactions, and are advised by the State Printer that it will probably be about thirty or thirty-five cents per copy, but in no case will it exceed the sum of fifty cents per copy.

N. COOBMS,
S. C. GOODMAN,
STONE.

The Senate Resolution above reported was concurred in.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred a resolution relating to additional compensation to W. M. Mason, Assistant Enrolling Clerk, and E. W. Willett, Assistant Engrossing Clerk, have had the same under consideration, and report the same back and recommend that it be not adopted.

D. ROGERS,
Chairman.

On the adoption of the resolution above reported, Messrs. Beach, Haliday, and Hugg, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Covarrubias, Dunlap, Ellis, Halsted, Hayes, Johnson of Sierra, Lamar, Malarin, O'Connor, Sawyer, Smith of Nevada, Smith of Sutter, Stone, and Theller—14.

NOES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Campbell, Conn, Conness, Coombs, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Hammond, Harville, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, King, Kungle, Laspeyre, Lawrence, Lovell, Makins, Maxson, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Shannon, Stevenson, Swan, Tilton, Warner, Watson, Welty, Wescott, White, Williams, Wilson, Yager, and Mr. Speaker—43.

By Mr. Jenkins:

Mr. SPEAKER:—Your Committee on Public Lands, to whom was referred Assembly Bill, No. 243, An Act for the Relief of Purchasers of Swamp and Overflowed Lands, School Lands, and other Lands, from the State of California, have had the same under consideration, and report the bill back and recommend that it do not pass.

The same committee, to whom was referred Assembly Bill, No. 253, An Act amendatory of an Act entitled "An Act for the Relief of Purchasers of Lands from the State of California," passed April eighth, one thousand eight hundred and fifty-nine, have examined the same, and report the bill back and recommend that it do not pass.

JENKINS,
Chairman.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 361, An Act amendatory of an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto.

JOHN DAGGETT,
Chairman.

By Mr. Johnson of Amador:

Mr. SPEAKER:—The Amador Delegation, to whom was referred Assemsembly Bill, No. 475, An Act in relation to a Special Tax for Road purposes in the County of Amador, report the same back with a substitute, and respectfully recommend the passage of the substitute.

P. C. JOHNSON,
J. K. BOWMAN.

By Mr. King:

Mr. SPEAKER :—Your committee, to whom was referred Assembly Bill, No. 473, entitled An Act concerning the Office of District Attorney of Los Angeles County, beg leave to report the same back, with the recommendation that it be indefinitely postponed.

Your committee would respectfully submit, that he has for many years been a resident of the city and county of Los Angeles, and that for some time past, he has been intimately acquainted with the affairs of said county, and the duties of the office of District Attorney are, from the peculiar nature of the population of said county and from the position of the county itself, situated, as it is, upon, or almost upon, the frontier of the State, are very onerous and burdensome, and that up to the time of the introduction of the bill, which is the subject of the report, your committee has heard nothing, either from the people or from the Board of Supervisors of the county, that would justify him in supporting a bill for the reduction of the salary of that office.

A bill has been introduced in this House and passed, which materially reduces the compensation of the office of District Attorney of Los Angeles County, and your committee is of opinion that a further reduction of the compensation of said office would have the effect of virtually legislating the present incumbent out of office, and of placing the compensation of the office of District Attorney at so low a figure as to preclude its acceptance by any man of decent ability.

A. J. KING,
Of the Delegation.

By Mr. Johnson of Sierra :

Mr. SPEAKER :—Your committee, consisting of the Sierra and Yuba County delegations, to whom was referred Assembly Bill, No. 165, An Act to define the Boundary Lines of Yuba County, report the same back, with a substitute, and recommend the passage of the substitute, for the following reasons :

First.—That the territory proposed to be annexed to Yuba County originally belonged to said county, and that the inhabitants of it at the time it was separated from said county were unanimously opposed to such separation.

Second.—That ever since such separation they, from their isolated position, have labored under difficulties of no ordinary character, being shut out for over six months in the year from their county seat, and having no way of communication with it, save by Marysville, the county seat of Yuba County.

Third.—That, from their geographical position, Marysville is at all times of the year more accessible to them than Downieville, while all their business connection is with the former, a splendid stage road connecting them, over which passengers, the mails, and express, are carried daily at all seasons of the year.

Fourth.—That we believe both Sierra and Yuba counties would be benefitted by the change, as that portion of Sierra, in the opinion of your committee, from its isolated position, is of more expense to said county than the revenue derived from it amounts to.

Fifth.—That the people in the territory proposed to be annexed to Yuba County are unanimously in favor of such annexation.

JAS. A. JOHNSON,
J. M. CROWELL.

By Mr. Wescott :

Mr. SPEAKER:—A majority of the Yuba and Sierra delegations, to whom was referred Assembly Bill, No. 165, have had the same under consideration, and ask leave to report the same back to the House, and recommend that the bill and the substitute be indefinitely postponed.

WESCOTT,
BEN. O'REAR,
BEN. P. HUGG,
C. H. KUNGLE,
THOS. J. HALIDAY.

By Mr. Bailey of Tuolumne:

Mr SPEAKER:—The Committee on Commerce and Navigation report Assembly Bills, Nos. 335 and 398, without recommendation.

BAILEY of Tuolumne.

By Mr. Gallagher:

Mr. SPEAKER:—The Calaveras Delegation, to whom was referred Senate Bill, No. 309, report the same back, without recommendation.

GALLAGHER.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 14, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 14, An Act for the Relief of certain parties therein named;

Also, Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties;

Also, substitute for Assembly Bill, No. 333, An Act to Appropriate Money for the payment of small Accounts due from the Insane Asylum.

Also, Assembly Bill, No. 389, An Act to Legalize the Duplicate Assessment List of Los Angeles County;

Also, Assembly Bill, No. 28, An Act concerning certain Acknowledgments of Deeds and other Instruments in writing affecting Real Estate;

Also, Assembly Bill, No. 221, An Act authorizing José de Jesus Pico to sell certain Land in San Luis Obispo County, belonging to his Infant Children;

Also, Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 357, An Act to authorize the Guardians of certain Minors to sell their Real Estate;

Also, Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims;

Also, Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 249, An Act making Appropriations for deficiency in Appropriation made for Clerk Hire in the Attorney-General's Office for the Eleventh Fiscal Year;

Also, Assembly Bill, No. 454, An Act supplemental to an Act entitled "An Act to confer further Powers upon the Board of Education, and the Auditor, and Treasurer, of the City and County of San Francisco;" also, amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," approved March fifteenth, one thousand eight hundred and sixty.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of Adulturated, Spiritous, or Alcoholic Liquors, Wines, or Cider.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 438, An Act appropriating Money for the Payment of the copying of the Legislature during the Eleventh Session;

Also, Assembly Bill, No. 231, An Act to provide for the Payment of certain Claims against the City of Sacramento, by a duplicate issue of certain Bonds of said City;

Also, Assembly Bill, No. 244, An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba;

Also, Assembly Bill, No. 338, An Act to Incorporate the City of Santa Barbara;

Also, Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty;

Also, Substitute for Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty;

Also, Assembly Concurrent Resolution, No. 70, in relation to increased Mail Facilities between San Luis Obispo and Los Angeles.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 19th, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill No. 411, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County;

Also, Assembly Bill, No. 402, An Act to authorize the Guardians of Alice Marsh to sell Personal Property at Private Sale;

Also, Assembly Bill, No. 397, An Act to legalize the acts of the Public Administrator of the County of Yolo;

Also, Assembly Bill, No. 283, An Act to authorize the Board of Trustees of the City of Sonora to levy a Special Tax for the benefit of the Fire Department.

JOHN G. DOWNEY,
Governor.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 11, 1860.

To the Honorable the Assembly of California:

I herewith transmit to your Honorable Body two claims which have been passed upon by the Board of Examiners, together with the papers and decisions of the Board in each case, viz:

Claim.	Amount.	Disposition.
Claim No. 178, San Francisco Herald, for..	$1,059 88	Allowed for $52.
Claim No. 183, A. J. Phelan, for.....	2,500 00	Allowed for $1,170

JOHN G. DOWNEY,
President Board of Examiners.

Mr. Lamar offered a concurrent resolution rescinding the concurrent resolution to adjourn *sine die* on the twenty-fourth April, one thousand eight hundred and sixty.

Mr. Lamar moved a call of the House.

Sustained.

The following members were absent, viz: Messrs. Beach, Bowman, Burson, Crowell, Curtis, Daggett, Halsted, Harville, Heston, Johnson of Sierra, King, Lambert, Lewis, McDermit, O'Rear, Rodgers of Tuolumne, Smith of Sutter, Starr, Wilkins, Yager, and Yancey.

On motion of Mr. Lamar, further proceedings under the call were dispensed with.

Mr. Howe moved to lay the resolution on the table.

Lost.

The resolution was adopted.

Mr. Stevenson offered a Concurrent Resolution, Relative to leave of absence of M. L. Chambers, Public Administrator of Tehama County.

Adopted.

At quarter past one, P. M. the House took a recess for half an hour.

House reassembled.

Mr. Makins offered a resolution changing the hour of meeting of the House.

Laid over under the rules.

The Speaker appointed Messrs. Williams, Beach, and Gallagher, Committee of Free Conference on disagreeing vote on Assembly amendment to Senate Bill, No. 310.

SPECIAL ORDER.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State, the special order for to-day—was taken up, and considered in Committee of the Whole.

After spending some time in the consideration of the bill, the committee rose, reported progress, and had leave to sit again at half past twelve o'clock, to-morrow.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, April 18, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California arising out of, or connected with, the Contract made on the twenty-sixth of March one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract and the surrender of the State Prison to the State.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Wednesday, April 18, 1860.

Mr. SPEAKER:—The Senate, on the sixteenth, passed Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof;

Also, Assembly Bill, No. 240, An Act to define the Boundaries of Marin County.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
April 18, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 314, An Act to authorize the Board of Supervisors of the County of Nevada to subscribe to the Capital Stock for a Railroad from Auburn to Nevada;

Also, Senate Bill, No. 312, An Act to authorize the Town of Auburn to take and subscribe Fifty Thousand Dollars to the Capital Stock of the Sacramento, Placer, and Nevada, Railroad Company;

Also, Senate Bill, No. 313, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March thirtieth, one thousand eight hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 314, above reported—was read first and second times, and referred to the Nevada Delegation.

Senate Bills, Nos. 312 and 313—were read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Thursday, April 19, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 186, An Act to facilitate the establishment of a Telegraphic Communication between California and the Atlantic States;

Also, Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California;

Also, Assembly Concurrent Resolution, No. 74, Relative to Pay of Julius Schultz, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 186, above reported—was read first and second times, and made special order for April twenty-third, at ten minutes past one, P. M.

Senate Bill, No. 225, above reported—was read first and second times, and made special order for April twenty-first, at half past twelve o'clock.

The House concurred in Senate amendments to Assembly Concurrent Resolution, No. 94, above reported.

SENATE CHAMBER,
Thursday, April 19, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 219, An Act appropriating Money for the benefit of certain Orphan Asylums, in this State;

Also, Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from forced Sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one;

Also, Senate Bill, No. 142, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Funding and Payment of the outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six;"

Also, Senate Bill, No. 317, An Act supplementary to an Act entitled "An Act to Fund the Debt of the County of Mariposa, and provide for the Payment of the same," passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Senate Concurrent Resolution, No. 50, Relative to meeting in Joint Convention, to elect Trustees of the State Reform School.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 219, above reported—was read first and second times, considered in Committee of the Whole, reported and recommended, and made special order for April twenty, at twelve o'clock.

Senate Bill, No. 142, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 317, above reported—was read first and second times, and referred to the Mariposa Delegation.

The House concurred in Senate Concurrent Resolution, No. 50, above reported;

Also, in Senate amendments to Assembly Bill, No. 42, above reported.

SENATE CHAMBER,
Thursday, April 19, 1860.

Mr. SPEAKER:—The Senate on yesterday, passed Assembly Bill, No. 203,

An Act to prevent the closing up of Public Highways, where the same cross Streams that become dry or fordable, at any season of the Year, throughout the State, with amendments;

Also, Assembly Bill, No. 213, An Act to provide for Recording of Notice of Claims to Private Land Grants in this State;

Also, have refused to pass Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-first, one thousand eight hundred and fifty-eight;

Also, to amend an act approved April eighteenth, one thousand eight hundred and fifty-nine, entitled "An Act amendatory of 'An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State,'" approved April twenty-first, one thousand eight hundred and fifty-eight;

Also, adopted Assembly Concurrent Resolution, No. 73, Granting Leave of Absence to the State Treasurer;

Also, have adopted Senate Concurrent Resolution, No. 34, Relative to a Joint Convention to elect two Trustees of the Insane Asylum;

Also, passed Senate Bill, No. 290, An Act appropriating Money for the completion of a Wagon Road over the Sierra Nevada;

Also, have refused to concur in Assembly amendments to Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County, to subscribe to the Capital Stock of the San José Railroad Company.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 290, above reported—was read first time.

Senate Concurrent Resolution, No. 34, concurred in.

The House refused to recede from Assembly amendments to Senate Bill, No. 310, above reported, and appointed Messrs. Williams, Beach, and Gallagher, Committee of Free Conference.

The House concurred in the first Senate amendment to Assembly Bill, No. 203, above reported, and refused to concur in other amendments.

SENATE CHAMBER,
Thursday, April 19, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 315, An Act to amend "An Act to Incorporate the City of Santa Barbara," passed April eighteenth, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento;"

Also, Senate Bill, No. 316, An Act to audit the Claim of Caroline A. Robertson;

Also, Senate Bill, No. 318, An Act to provide for conveyances of the Interest of the Minor Heirs of Wm. E. P. Hartnell, deceased, in and to certain Real Estate in the County of Sacramento;

Also, Assembly Bill, No. 127, An Act to authorize Charles B. Polhemus, Robert Allen, John Perry, Jr. and William Southwick, their associates and assigns, to construct and keep in Repair, a certain Street, in the City and County of San Francisco, and to levy and collect Tolls therein.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 315 and 316, above reported—were read first and second times, rules suspended, read third time and passed.

Senate Bill, No. 318, above reported—was read first and second times, and referred to the Sacramento Delegation.

At ten minutes past five o'clock, P. M. on motion of Mr. Heston, the House adjourned to ten o'clock, to-morrow morning.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 20, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
The roll was called.
Quorum present.
The Journal of yesterday was read and approved.

GENERAL FILE.

Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands—was considered in Committee of the Whole, reported progress, and had leave to sit again.

The bill, and all others on the same subject made the Special Order for Monday next, at twelve o'clock, M.

Mr. Jenkins made the following report:

Mr. SPEAKER:—The Mariposa Delegation, to whom was referred Senate Bill, No. 317, An Act supplementary to an Act entitled "An Act to Fund the Debt of the County of Mariposa, and provide for the Payment of the same," passed May fifteenth, one thousand eight hundred and fifty-four, have had the same under consideration, and report the bill back, and recommend its passage.

JENKINS,
HAMMOND.

The rules were suspended and Senate Bill, No. 317, above reported, read third time and passed.

The resolution in relation to the Joint Order of Business, offered on yesterday by Mr. Shannon, was taken up.

Mr. Lamar moved the indefinite postponement of the resolution.

Lost.

On its adoption Messrs. Lamar, Jenkins, and Henry, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Burson, Campbell, Conness, Covarrubias, Daggett, Ellis, Fairchild, Goodman, Haliday, Hammond, Howe, Hugg, Hundley, Kungle, Malarin, Maxson, O'Connor, Pate, Patten, Rogers of San Francisco, Sawyer, Shannon, Shattuck, Smith of Nevada, Stevenson, Swan, Tilton, Welty, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—35.

NOES—Messrs. Babcock, Dunlap, Gallagher, Gwinn, Halsted, Harville,

Hayes, Henry, Heston, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lambert, Makins, McDermit, O'Rear, Phelps, Rodgers of Tuolumne, Schmidt, Stone, Theller, Walden, Warner, Watson, White, and Yancey—28.

The Chair ruled that it required a two-third vote to change a Standing Rule.

Mr. Shannon appealed.

The House sustained the Chair.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Johnson of Sierra:

Whereas, The proceedings of the present Session have been reported without expense to the State, in two of the newspapers of this city; and, *whereas*, it is the usual practice in Congress, and other Legislative Bodies, to testify in a substantial manner their appreciation of the laborious services of the Short-Hand Writers, reporting their proceedings to the country; therefore, be it

Resolved, That the thanks of this Assembly be, and are hereby, tendered unto Messrs. P. J. Malone and F. L. Sargent, of the *Democratic Standard*, and to Charles A. Sumner and William M. Cutter, of the *Sacramento Union*, for their faithful reports of the proceedings of this Body, and in appreciation of their services, be it further

Resolved, That the Controller of State be, and he is hereby, authorized and required to draw his warrants in favor of said Reporters, for Three Dollars per day each, for each and every day from the commencement of the present Session, the same to be drawn upon, and paid out of, the Contingent Fund of the Assembly.

Mr. Howe moved to strike out the last resolution.

Upon which, Messrs. Burson, Williams, and Bailey of Tuolumne, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Burson, Conn, Haliday, Hammond, Harville, Heston, Howe, Kungle, Lamar, Lambert, Maxson, McDermit, O'Connor, Phelps, Rogers of San Francisco, Shattuck, Stone, Swan, Watson, Wescott, and Williams—22.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Fairchild, Goodman, Halsted, Hayes, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lovell, Makins, O'Rear, Pate, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Nevada, Starr, Stevenson, Tilton, Walden, Warner, Welty, White, Wilkins, Wilson, and Yancey—38.

On the adoption of the resolutions, Messrs. Williams, Burson, and Heston, demanded the ayes and noes, and the resolutions were adopted by the following vote:

AYES—Messrs. Bailey of Tuolumne, Beach, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Halsted, Hayes, Henry, Howe,

Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Laspeyre, Lovell, O'Rear, Rodgers of Tuolumne, Sawyer, Shannon, Smith of Nevada, Starr, Theller, Walden, Warner, White, Wilkins, Wilson, and Yancey—33.

Noes—Messrs. Babcock, Bailey of Santa Clara, Burson, Conn, Halidsy, Hammond, Harville, Heston, King, Kungle, Lamar, Lambert, Makins, Malarin, Maxson, McDermit, O'Connor, Rogers of San Francisco, Shattuck, Stevenson, Stone, Swan, Watson, Welty, Wescott, and Williams —25.

Mr. Howe gave notice of reconsideration.

REPORTS.

Reports were made as follows:

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 407, An Act for the Benefit of Married Women;

Also, substitute for Assembly Bills, Nos. 370, 348, and 314, An Act to change the Names of Persons herein named;

Also, Assembly Bill, No. 343, An Act to define the Boundary Lines of the County of Amador;

Also, Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty.

BEACH,
Chairman.

By Mr. O'Rear:

Mr. Speaker:—The Committee on Engrossment have examined the following bills and find them correctly engrossed:

Assembly Bill, No. 483, An Act making Appropriation for Deficiency in the Appropriation made for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year;

Also, Assembly Bill, No. 474, An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to reissue certain Coupons of the Bonds of said County to Jesse N. Bolles;

Also, Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to restrict the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin,'" approved April fifteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine.

BEN. T. O'REAR,
For the Committee.

Senate Bill, No. 290, An Act appropriating Money for completion of Wagon Road over the Sierra Nevada—was read second time, and made the Special Order for April twenty-first, at one o'clock.

SPECIAL ORDER.

Senate Bill, No. 219, An Act appropriating Money for the Benefit of

certain Orphan Asylums in this State—was taken up, and read third time.

On its passage, Messrs. Harville, Wilkins, and Lamar, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Burson, Conn, Conness, Coombs, Covarrubias, Daggett, Dunlap, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Laspeyre, Makins, Malarin, Maxson, McDermit, OConnor, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Theller, Warner, Watson, Welty, Wescott, White, Wilson, Yancey, and Mr. Speaker—51.

Noes—Messrs. Bailey of Santa Clara, Campbell, Haliday, Lambert, Wilkins, and Williams—6.

Mr. Lamar moved to suspend the rules for the purpose of reconsidering the vote by which the bill passed.

Carried.

Mr. Johnson of Sierra moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Warner offered a concurrent resolution relative to the issue of warrants to T. R. Eldredge, Spanish Translator.

Adopted.

Mr. Daggett made the following report:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the cancellation of said Contract, and the surrender of the State Prison to the State.

JOHN DAGGETT,
Chairman.

Also:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 319, An Act to authorize the Sale of certain Real Estate by Guardians;

Also, Assembly Bill, No. 166, An Act to provide for the better Maintenance of the Indigent Sick of Calaveras County;

Also, Assembly Bill, No. 350, An Act to provide for the Compensation of the Keeper of the Jails in the County of Trinity, and the Payment of such Services from the first of November, one thousand eight hundred and fifty-eight.

JOHN DAGGETT,
Chairman.

By Mr. Hugg:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 238, An Act to authorize the

Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to audit, a claim of Thomas C. Faris.

B. P. HUGG,
Chairman *pro tem.*

FURTHER SPECIAL ORDER.

Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara, also special order—was taken up, considered in Committee of the Whole, reported and passage recommended.

Mr. Heston moved to indefinitely postpone the bill.

Upon which, Messrs. Lambert, Heston, and Babcock, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Burson, Campbell, Dunlap, Gallagher, Hammond, Heston, Hundley, Jenkins, Johnson of Amador, Lambert, O'Rear, Swan, Wilson, and Mr. Speaker—14.

NOES—Messrs. Babcock, Beach, Conn, Conness, Coombs, Covarrubias, Ellis, Gwinn, Halsted, Harville, Hayes, Henry, Howe, Johnson of Sierra, King, Kungle, Lamar, Laspeyre, Makins, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Nevada, Starr, Stevenson, Stone, Theller, Warner, Welty, White, Wilkins, Williams, and Yager—40.

Bill read third time.

On its passage, Messrs. Johnson of Amador, Heston, and Babcock, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Beach, Conn, Conness, Coombs, Covarrubias, Ellis, Gwinn, Halsted, Harville, Hayes, Henry, Heston, Howe, Johnson of Sierra, King, Lamar, Makins, Malarin, Maxson, McDermit, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Nevada, Starr, Theller, Warner, Welty, Williams, and Yager—34.

NOES—Messrs. Burson, Campbell, Gallagher, Hammond, Hundley, Jenkins, Johnson of Amador, Kungle, Lambert, Laspeyre, O'Rear, Swan, Watson, Wescott, Wilkins, Wilson, and Mr. Speaker—15.

* * *

Mr. Heston gave notice of reconsideration.

At half past one o'clock, P. M. the House took a recess for half an hour.

At two o'clock, P. M. the House reassembled.

Mr. Shannon moved a call of the House.

Sustained.

Roll called.

Absent—Messrs. Babcock, Bailey of Santa Clara, Burson, Campbell, Conn, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Goodman, Haliday, Johnson of Amador, Kungle, Makins, Malarin, Maxson, O'Connor, O'Rear, Pate, Patten, Phelps, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Stone, Swan, Theller, Walden, Welty, Wescott, White, Wilkins, Yager, and Yancey.

On motion of Mr. Howe, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, April 20, 1860.

Mr. SPEAKER:—The Senate have this day adopted resolution requesting the Assembly to return Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale," so far as relates to Lands situated in the County of Sacramento.

J. R. BEARD,
Secretary of Senate.

RESOLUTIONS.

Mr. Williams offered the following resolution:

Resolved, That the Enrolling Committee be instructed to return to the Clerk's desk Assembly Bill, No. 443, and that the Clerk of the House be instructed to transmit the bill to the Senate.

Lost.

Mr. Lamar offered the following resolution:

Resolved, That the Senate be, and are hereby, respectfully requested to assign the reasons for requesting the return of the bill in question.

Lost.

The House refused to return the bill to the Senate.

FURTHER SPECIAL ORDER.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State, also special order—was considered in Committee of the Whole.

Mr. Henry in the Chair.

After spending some time in the consideration of the same, the committee reported the bill, with amendments, and recommended its passage as amended.

Mr. Maxson moved to strike out the "eighth subdivision of the second section," and insert as follows:

"Mining claims shall be assessed according to the value placed thereon by the owner or owners thereof, under oath;"

On the adoption of the amendment, Messrs. Coombs, Maxson, and Warner, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Campbell, Coombs, Goodman, Gwinn, Henry, Lamar, Laspeyre, Malarin, Maxson, Pate, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Swan, Tilton, Warner, Welty, Wescott, Wilkins, Williams, and Yager—25.

NOES—Messrs. Beach, Conness, Dunlap, Ellis, Fairchild, Gallagher, Haliday, Hammond, Harville, Hayes, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lovell, Makins, McDermit, O'Connor, O'Rear, Patten, Shannon, Stone, Watson, White, Wilson, and Mr. Speaker—29.

Mr. Lamar moved to strike out the eighth subdivision of section two.

Upon which, Messrs. Lamar, Coombs, and Maxson, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Campbell, Coombs, Goodman, Gwinn, Henry, Lamar, Laspeyre, Malarin, Maxson, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Tilton, Warner, Welty, Wescott, Wilkins, Williams, and Yager—22.

Noes—Messrs. Beach, Conness, Dunlap, Ellis, Fairchild, Gallagher, Haliday, Hammond, Harville, Hayes, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Lovell, Makins, McDermit, O'Connor, O'Rear, Pate, Patten, Shannon, Starr, Stone, Swan, Watson, White, Wilson, and Mr. Speaker—33.

The further consideration of the bill was made the special order for April twenty-first, at one o'clock, P. M.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, April 20, 1860.

Mr. Speaker:—The Senate this day passed Assembly Bill, No. 415, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges," approved April twenty-fourth, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 458, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendocino.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Friday, April 20, 1860.

Mr. Speaker:—The Senate on yesterday passed Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 164, above reported—read first time.

SENATE CHAMBER,
Friday, April 20, 1860.

Mr. Speaker:—The Senate on yesterday passed Assembly Bill, No. 97, An Act amendatory of, and supplementary to, an Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, "to provide Revenue for the Support of the Government of this State, from a Tax to be Levied and Collected from Foreign and Inland Bills and other Matter," with amendments.

Also, Assembly Bill, No. 459, An Act to define the Duties of Officers and Employés of the Assembly, establish their Pay, and to Repeal all existing Laws in relation thereto, with amendments;

Also, Assembly Bill, No. 453, An Act for the relief of the Heirs of P. Dillon;

Also, have adopted Assembly Concurrent Resolution, No. 77, Relative to Adjournment *sine die*, with amendment.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 97 and 459, and Assembly Concurrent Resolution, No. 77, above reported.

Mr. Lamar made the following report:

Mr. Speaker:—The Committee on Indian Affairs, to whom was referred Assembly Bill, No. 330, An Act to amend "An Act amendatory of an Act entitled 'An Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties of this State,'" approved April twenty-fifth, one thousand eight hundred and fifty-seven, approved April seventh, one thousand eight hundred and fifty-nine, having had the same under consideration, report the same back, and unanimously recommend its passage.

LAMAR,
Chairman.

The following resolution was offered on yesterday:

By Mr. Makins:

Resolved, That the first rule of the House be changed so as to read as follows: "The House shall meet each day of sitting at ten o'clock, A. M. unless the House shall adjourn to some other hour."

Adopted.

At fifteen minutes past five, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

House of Assembly,
Saturday, April 21, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

Mr. Lawrence had indefinite leave of absence, and Mr. Goodman for one day.

Mr. Harville made the following report:

Mr. Speaker:—The Select Committee to which was referred Assembly Bill, No. 130, for An Act in relation to the Indians, having had the same under consideration, beg leave to submit the following report:

The future historian of California will find the subject of Indians a conspicuous feature in the first decade of the history of this State.

A policy and system for the government, control, and protection, of In-

dians within this State, both new and novel, was in one thousand eight hundred and fifty-one inaugurated by the Federal Government.

Your committee believe that prior to that period no instance can be found since the adoption of the Federal Constitution, that the General Government assumed the right or pretended to exercise the power of establishing within the limits of a State Government, after its independent organization and admission to the rights and powers of a member of the family of States, a system so anomalous as that of the Indian reservations in this State.

The establishing of numerous reservations throughout the length and breadth of the State, the organization within the State limits of communities, the erection of governments for their control or protection, in a *quasi* state of independence, presented a condition of things ominous of that failure which time and experience has clearly demonstrated.

To collect, subdue, and transform, the Indians into agricultural, pastoral, or manufacturing, communities, in an independent State, while in unrestricted daily intercourse with the whites, and in the immediate neighborhood of their previous pursuits and surrounded by the associations and memories of their past lives and those of their ancestors, was a departure too wide from all the past experience of Indian habits and proclivities, to furnish even faint hopes of success to those who impartially considered the subject. The want of exclusive jurisdiction by the Federal Government over the people and soil within these reservations, which cannot be consistently or with safety relinquished by the State, must prove an insurmountable obstacle to a successful prosecution of this system, if there were no other and more formidable objections.

The want of a proper Indian system and the consequences of an injudicious one, has cast a stigma upon the people and government of California, which will require benificent legislation and years of judicious and humane treatment of the Indian population to efface from our escutcheon.

Your committee are fully impressed with the necessity of a complete change of the policy hitherto pursued by the Federal Government in this State. The difficulties which present themselves to a removal of the Indians within this State to some place beyond our borders, are so great that the idea has not been seriously entertained, and your committee is convinced that the policy of the State's assuming the entire control of the Indians within her limits, presents a favorable prospect of leading to a beneficial result, both to the State and to the Indian population.

Your committee believe that if equitable conditions can be mutually agreed upon by the Federal and State Governments, the management and control of the Indians within our jurisdiction exclusively by the State Government is the only one that offers a solution to the present and increasing difficulties which now incumber the Indian policy in this State.

The treatment which in many cases the Indians have received from the citizens of this State, and which treatment, if not indorsed, has not received a marked condemnation by the State Government, warrants the conclusion that the State, in proposing to the Federal Government to take charge of all the Indians within her limits, should present to the Federal Government somewhat in detail the plan which the State proposes to adopt and pursue in reference to its Indian population, should the Federal Government relinquish to the State that guardianship which heretofore it has exercised over the Indians of California.

With this view, your committee has carefully examined the bill committed to it for consideration, and, with some amendments proposed by your committee and herewith submitted, would earnestly recommend its

passage, believing that it will, should it meet with the favorable action of Congress, inaugurate a system which will prove salutary to the Indians and beneficial to the State.

Your committee would therefore urge the adoption of the amendments and the passage of the bill.

E. A. STEVENSON,
JOHN DAGGETT,
J. W. HARVILLE,
J. J. WARNER.

The bill above reported was made the special order for Monday, at two o'clock, P. M.

Mr. Lamar moved to suspend the rules for the purpose of taking up Assembly Bill, No. 413.

Upon which, Messrs. Conness, Hayes, and Jenkins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bowman, Burson, Conn, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Gwinn, Halsted, Henry, Johnson of Amador, Johnson of Sierra, King, Lamar, Lambert, Laspeyre, Maxson, McDermit, O'Connor, Pate, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shattuck, Smith of Sutter, Stevenson, Stone, Swan, Theller, Walden, Warner, Watson, Welty, Wescott, Wilkins, and Wilson—43.

NOES—Messrs. Bailey of Tuolumne, Campbell, Conness, Haliday, Hammond, Harville, Howe, Hugg, Hundley, Jenkins, Kungle, Lovell, Makins, O'Rear, Rodgers of Tuolumne, Smith of Nevada, Starr, Tilton, White, Williams, Yager, and Mr. Speaker—22.

Mr. Howe moved to reconsider the vote by which the House on yesterday adopted a resolution to pay the Reporters of the *Union*, and *Standard*, three dollars per day, each.

Mr. Conness moved to lay the motion to reconsider on the table.

Upon which Messrs. Howe, Welty, and Wescott, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Conness, Coombs, Halsted, Henry, Hugg, Johnson of Amador, Johnson of Sierra, Sawyer, Shannon, Shattuck, Smith of Sutter, Theller, Walden, and Warner—14.

NOES—Messrs. Babcock, Bowman, Burson, Campbell, Conn, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Gwinn, Haliday, Hammond, Harville, Hayes, Howe, Hundley, Jenkins, King, Kungle, Lamar, Laspeyre, Lovell, Makins, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Smith of Nevada, Starr, Stevenson, Stone, Swan, Tilton, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, and Mr. Speaker—48.

On reconsidering the vote, Messrs. Conn, Harville, and Williams, demanded the ayes and noes, and the vote was reconsidered, as follows:

AYES—Messrs. Babcock, Bowman, Burson, Conn, Daggett, Dunlap, Ellis, Gallagher, Haliday, Hammond, Harville, Howe, Hundley, Jenkins, King, Kungle, Lamar, Lambert, Laspeyre, Maxson, McDermit, O'Connor, Patten, Phelps, Rogers of San Francisco, Schmidt, Shattuck, Smith of Ne-

vada, Stevenson, Stone, Swan, Watson, Welty, Wescott, Williams, and Mr. Speaker—36.

Noes—Messrs. Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Covarrubias, Fairchild, Halsted, Henry, Hugg, Johnson of Amador, Johnson of Sierra, O'Rear, Sawyer, Shannon, Theller, Tilton, Walden, Warner, White, Wilkins, Wilson, and Yancey—23.

On the adoption of the resolutions, Messrs. Burson, Conn, and Haliday, demanded the ayes and noes, and they were lost by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Campbell, Conness, Coombs, Covarrubias, Dunlap, Ellis, Fairchild, Halsted, Henry, Hugg, Johnson of Amador, Johnson of Sierra, Sawyer, Shannon, Theller, Walden, Warner, Wilkins, Wilson, and Yancey—21.

Noes—Messrs. Babcock, Beach, Bowman, Burson, Conn, Daggett, Gallagher, Haliday, Hammond, Harville, Howe, Hundley, Jenkins, King, Kungle, Lamar, Lambert, Laspeyre, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Shattuck, Smith of Nevada, Stevenson, Stone, Swan, Tilton, Watson, Welty, Wescott, Williams, and Mr. Speaker—39.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, eighteen hundred and fifty-four, and of the several Acts amendatory thereof.

DAGGETT,
Chairman.

By Mr. Stevenson:

Mr. Speaker:—The Committee on Claims, to whom was referred Senate Bill, No. 311, An Act to appropriate Money for the Payment of certain Claims, have had the same under consideration, and report the same back, and recommend that it pass;

Also, the Claim of A. J. F. Phelan for services rendered by him as Clerk of War Debt Commissioners, have had the same under consideration, and herewith return the same with the accompanying bill, and recommend the passage of the bill.

STEVENSON,
Chairman.

The bill above reported—was read first and second times, and placed on file.

The bill heretofore reported, appropriating Money to pay the Claim of J. S. Love—was read first and second times, and placed on file.

By Mr. Hugg:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 415, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Rail-

road Company, Incorporated under the Laws of this State, certain rights and privileges," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

B. P. HUGG.

Mr. Laspeyre, verbally reported and recommended the passage of Senate Bill, No. 300, An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to compensate the owners of Land taken for that purpose.

GENERAL FILE.

Assembly Bill, No. 466, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 175, An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County—read third time and passed.

Assembly Bill, No. 457, An Act to authorize the construction of a Wagon Road from Sonora, in Tuolumne County, to the State Line, at a point near Mono Lake, and to appropriate Money therefor.

Mr. Harville moved to indefinitely postpone the bill.

Upon which Messrs. Howe, Johnson of Sierra, and Smith of Sutter, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bowman, Coombs, Hammond, Harville, Hugg, Johnson of Amador, Lambert, Makins, O'Connor, Pate, Patten, Rogers of San Francisco, Sawyer, Smith of Nevada, Stevenson, Stone, White, and Mr. Speaker—19.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conn, Covarrubias, Dunlap, Ellis, Fairchild, Gallagher, Gwinn, Halsted, Howe, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Laspeyre, Lovell, Maxson, McDermit, O'Rear, Schmidt, Shattuck, Smith of Sutter, Tilton, Walden, Warner, Wescott, Wilson, and Yancey—32.

Mr. Hundley moved to recommitt the bill with special instructions to insert "twenty thousand dollars for every county in the State."

Upon which Messrs. Bailey and Rogers of Tuolumne, and Walden, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Bowman, Burson, Campbell, Coombs, Gallagher, Heston, Hugg, Hundley, Jenkins, Johnson of Amador, Kungle, O'Rear, Rogers of San Francisco, Sawyer, Shattuck, Smith of Nevada, Stevenson, Swan, Theller, Tilton, White, Williams, and Wilson—24.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Conn, Conness, Covarrubias, Daggett, Dunlap, Fairchild, Gwinn, Hammond, Harville, Henry, Howe, Johnson of Sierra, King, Lamar, Lambert, Laspeyre, Lovell, Makins, Maxson, O'Connor, Patten, Phelps, Rodgers of Tuolumne, Shannon, Smith of Sutter, Starr, Stone, Walden, Warner, Wescott, Wilkins, Yager, Yancey, and Mr. Speaker—37.

The bill was then considered in Committee of the Whole, Mr. Lambert in the Chair, reported and passage recommended.

Mr. Smith of Nevada, moved a call of the House.

Sustained.

Roll called.

Absent—Messrs. Bailey of Santa Clara, Daggett, Ellis, Fairchild, Gwinn, Haliday, Hayes, Heston, Jenkins, Kungle, Maxson, O'Connor, Shattuck, Watson, Welty, and Wilkins.

On motion of Mr. Stevenson, further proceedings under the call were dispensed with.

Mr. Burson moved the previous question.

Sustained.

On ordering the bill engrossed, Messrs. Rodgers of Tuolumne, Yancey, and Babcock, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Burson, Campbell, Conn, Conness, Dunlap, Ellis, Fairchild, Harville, Henry, Howe, Johnson of Sierra, King, Lamar, Lovell, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Sutter, Starr, Stone, Theller, Warner, Yancey, and Mr. Speaker—27.

Noes—Messrs. Beach, Bowman, Coombs, Gallagher, Haliday, Halsted, Hammond, Hugg, Hundley, Jenkins, Johnson of Amador, Kungle, Lambert, Laspeyre, Makins, Maxson, McDermit, O'Connor, Pate, Patten, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Stevenson, Swan, Walden, Welty, White, Wilkins, Williams, Wilson, and Yager—34.

Mr. Gwinn moved to take up Assembly Bill, No. 420, An Act to grant the right of way and to authorize certain Persons therein named to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and to run Cars thereon.

Upon which, Messrs. Conness, Shannon, and Stevenson, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Burson, Ellis, Gwinn, Hammond, Henry, Howe, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Pate, Phelps, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Stone, Theller, Walden, Watson, White, Wilkins, Williams, Yancey, and Mr. Speaker—26.

Noes—Messrs. Babcock, Beach, Bowman, Campbell, Conness, Coombs, Covarrubias, Dunlap, Fairchild, Gallagher, Haliday, Halsted, Harville, Heston, Hugg, Hundley, Lamar, Lovell, Makins, Malarin, Maxson, O'Connor, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shannon, Shattuck, Stevenson, Swan, Warner, Welty, Wilson, and Yager—34.

Mr. Conness moved a call of the House.

Lost.

Mr. Daggett moved to take up Assembly Bill, No. 413.

Upon which, Messrs. Harville, Burson, and Daggett, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Beach, Bowman, Burson, Campbell, Conn, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gwinn, Halsted, Hammond, Heston, Johnson of Amador, Johnson of Sierra, King, Lamar, Lambert, Malarin, Maxson, McDermit, O'Connor, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Sutter, Stevenson, Stone, Swan, Theller, Walden, Warner, Watson, Welty, Wescott, Wilkins, and Yancey—45.

Noes—Messrs. Bailey of Tuolumne, Conness, Coombs, Gallagher, Hali-

day, Harville, Howe, Hugg, Hundley, Kungle, Laspeyre, Smith, Starr, White, Williams, Wilson, Yager, and Mr. Speaker—18.

Mr. Conness moved the previous question.
Sustained.
The bill was read third time.
On its passage, Messrs. Harville, Burson, and Campbell, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Burson, Covarrubias, Daggett, Dunlap, Fairchild, Gwinn, Halsted, Henry, Heston, Howe, Johnson of Sierra, Lamar, Lambert, Lovell, Malarin, Maxson, McDermit, O'Connor, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Smith of Sutter, Stevenson, Theller, Walden, Warner, Watson, Welty, Wescott, Wilkins, and Yancey—36.
Noes—Messrs. Bailey of Tuolumne, Bowman, Campbell, Conn, Conness, Coombs, Ellis, Haliday, Hammond, Harville, Hugg, Hundley, Jenkins, Kungle, Laspeyre, Pate, Shattuck, Smith of Nevada, Starr, Stone, Swan, White, Williams, Wilson, Yager, and Mr. Speaker—26.

Mr. Halsted made the following report:

Mr. Speaker:—The Committee on Engrossment have examined the following bill and found it correctly engrossed:
Assembly Bill, No. 385, An Act concerning Goats found running at large in the County of Sacramento.

HALSTED,
For Committee.

At ten minutes before one o'clock, p. m. Mr. Maxson moved to adjourn.
On which, Messrs. Howe, Smith of Nevada, and Lamar, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bowman, Burson, Coombs, Covarrubias, Daggett, Gallagher, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Malarin, Maxson, McDermit, Pate, Phelps, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Sutter, Stevenson, Walden, Warner, Watson, Welty, Wescott, White, Wilson, and Yancey—38.
Noes—Messrs. Campbell, Conn, Conness, Dunlap, Ellis, Fairchild, Harville, Howe, Hugg, Hundley, Kungle, Laspeyre, Lovell, Makins, O'Connor, Rogers of San Francisco, Smith of Nevada, Starr, Stone, Swan, Wilkins, Williams, Yager, and Mr. Speaker—24.

IN ASSEMBLY.

House of Assembly,
Monday, April 23, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
Roll called.

Quorum present.
Journal of Saturday read and approved.
Messrs. Beach, Goodman, and Tilton, had one day's leave of absence.
Mr. Conness made the following report:

Mr. Speaker:—The undersigned, the Special Committee appointed under a resolution of the Assembly, providing for the funeral and incidental expenses of the late Hon. John C. Bell, at the time of his demise a member of this House, would report: that, being a member, at the time of his decease, of the Independent Order of Odd Fellows, in accordance with the rules and requirements of their order, the General Relief Committee of the Lodges in the city of Sacramento, prior to their knowledge of any appropriation by this Honorable Body, made from their own funds an appropriation for the interment of deceased, but your committee did not deem it proper to make use of any portion of the same.

At the request of the members of said order, deceased was buried with the funeral rites and ceremonies usually observed in the burial of their dead; his remains were interred in the City Cemetery, adjoining the city of Sacramento.

The aggregate amount of charges presented to your committee for the expenses of the funeral of deceased, and of his last illness, exceeded the amount of the appropriation, amounting to one thousand one hundred and eighty-four dollars, but your committee have, in auditing the various bills, reduced the same to an amount equal to the appropriation.

There are two important subjects which, in the discharge of their duties, have forcibly presented themselves to their minds: the one, the purchase of a suitable burial lot in the City Cemetery, (or other appropriate place,) for the use of the State; the other, the propriety of having placed over the graves of those who have, and who may hereafter die while in the service of the State, a suitable monument to mark their last resting place, to the end that it may be easily found and known by their friends. Had the appropriation been sufficient for the purpose, your committee would have felt authorized, under the resolution of their appointment, to have procured at least a marble slab to mark the burial place of the lamented Bell. At present, his grave is unmarked by any durable object. In this connection your committee call attention to the grave of another who died while a member of the State Legislature, and whose grave, in the City Cemetery, is without a monument, or any protection whatever; your committee refer to the grave of W. I. Furguson, deceased. To purchase a burial lot, remove the remains of both persons named to it, and cause to be placed over them suitable monuments, would only be following in the example of almost all the States in the Union, and would be in strict harmony with a wise economy and in keeping with those feelings of respect for the dead which should characterize all christian and civilized States and people.

Your committee have drafted, and herewith present, a bill having in contemplation the carrying out of the objects herein stated.

JOHN CONNESS,
D. S BEACH,
D. W. WELTY.

The bill above reported, being An Act to provide for the Purchase of a Burial Place for the use of this State, and for other purposes therein specified—was read first and second times, considered in Committee of the Whole, amended, reported, and recommended.

On motion of Mr. Conness, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the Clerk directed to transmit the same to the Senate immediately.

On motion of Mr. Burson, the rules were suspended for the purpose of taking up Assembly Bill, No. 462, An Act recommending to the Electors of the State to vote for or against calling a Convention to Revise and Change the Constitution of the State.

Mr. Warner offered the following amendments:

Add to Section second, "and if a majority of the votes cast for or against a convention shall be in favor of a convention, said convention shall be deemed to have been called. The officers of each and every election precinct in the State shall make a return of their respective poll lists, which shall be returned to the Secretary of State as other election returns."

Lost.

The rules were suspended, the bill considered engrossed, and read third time.

On its passage, Messrs. Burson, Hundley, and Campbell, demanded the ayes and noes, and it was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Bowman, Campbell, Crowell, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Henry, Heston, Hugg, Jenkins, Kungle, Lambert, Lawrence, Malarin, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Theller, Tilton, Welty, White, Wilson, Yancey, and Mr. Speaker—40.

Noes—Messrs. Bailey of Tuolumne, Conn, Conness, Curtis, Gwinn, Halsted, Hammond, Harville, Hawley, Hayes, Hundley, Johnson of Sierra, King, Lamar, Lewis, Makins, O'Connor, Shannon, Stone, Swan, Walden, Warner, Watson, Williams, and Yager—25.

Mr. Lamar offered the following resolution:

Resolved, That the sum of one dollar per day, in addition to the compensation heretofore allowed, be and the same is hereby granted to Samuel Patek, Paper-Folder, to date from the commencement of the sesssion, and payable out of the Contingent Fund of the Assembly.

Laid on the table.

Mr. Daggett made the following report:

Mr. Speaker:—The Committee on Enrolled Bills have examined and found correctly enrolled, Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State, from a Tax to be Levied and Collected from Foreign and Inland Bills, and other Matter."

JOHN DAGGETT.
Of Committee.

Mr. Gwinn, by leave, introduced a bill for An Act to Regulate Fees in Criminal Cases in the County of Yolo.

Read first and second times, and the rules being suspended, the bill was considered engrossed, read third time, and passed.

On motion of Mr. Conness, Senate Bill, No. 290, An Act appropriating Money for the Completion of a Wagon Road over the Sierra Nevada—was made special order for ten minutes past twelve o'clock to-morrow.

Senate Bill, No. 86, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States—was made special order for two o'clock to-morrow.

On motion of Mr. Lamar, the rules were suspended, and Assembly Bill, No. 355, An Act to provide for the Pay of the Troops called out by the Governor of this State to quell Insurrection in the year one thousand eight hundred and fifty-six—was taken up.

Mr. Lamar moved the previous question.

Sustained.

Mr. Howe moved a call of the House.

Lost.

On the passage of the bill, Messrs. Harville, Campbell, and Hugg, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Conness, Covarrubias, Daggett, Ellis, Fairchild, Gwinn, Haliday, Hammond, Henry, Heston, Hundley, Jenkins, Johnson of Sierra, King, Lamar, Laspeyre, Lovell, Makins, Maxson, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Theller, Welty, Wescott, Wilkins, Wilson, and Yancey—34.

Noes—Messrs. Bowman, Campbell, Conn, Dunlap, Gallagher, Halsted, Harville, Howe, Hugg, Johnson of Amador, Kungle, Lewis, Patten, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Warner, Watson, White, Williams, and Yager—24.

Mr. Hundley gave notice of reconsideration.

Mr. Sawyer moved to suspend the rules for the purpose of reconsidering the vote by which the bill passed.

Upon which, Messrs. Harville, Hugg, and Hundley, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Conness, Covarrubias, Daggett, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Jenkins, Johnson of Sierra, King, Lamar, Lambert, Laspeyre, Lovell, Makins, Maxson, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Smith of Sutter, Theller, Welty, Wescott, Wilkins, and Wilson—33.

Noes—Messrs. Bowman, Campbell, Dunlap, Ellis, Gallagher, Harville, Howe, Hugg, Hundley, Johnson of Amador, Kungle, Pate, Patten, Rodgers of Tuolumne, Shannon, Shattuck, Starr, Stevenson, Stone, Swan, Warner, Watson, White, Williams, and Yager—25.

On motion of Mr. Heston, the rules were suspended, and the House took up Senate Bill, No. 226, An Act to audit and allow the Claim of Charles A. Clark—the bill was read a third time.

On its passage, Messrs. Howe, Shannon, and Babcock, demanded the ayes and noes, and it was passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Bowman, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Halsted, Hammond, Harville, Henry, Heston, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Maxson, O'Connor,

O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Theller, Watson, Welty, White, and Wilson—41.

Noes—Messrs. Campbell, Goodman, Haliday, Howe, Hugg, Lamar, Makins, Patten, Stevenson, Stone, Swan, Warner, Williams, and Yager—14.

Mr. Williams made the following report:

Mr. Speaker:—The Committee of Free Conference, appointed by the Senate and Assembly to consider Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County, to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company, for the purpose of adjusting the differences between the two Houses, recommend that the Assembly recede from its amendments, and that the bill be amended as follows:

Amend section three, by striking out of the second line thereof, the words "two-thirds," and insert in lieu thereof, the words "three-fifths."

WILLIAMS,
Chairman.

The House adopted the amendments to the bill above reported.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

Senate Chamber,
Monday, April 23, 1860.

Mr. Speaker:—The Senate, on Friday, April twentieth, passed Senate Bill, No. 320, An Act making Appropriations for the support of the Civil Government of this State for the Tenth Fiscal Year commencing on the first day of July, one thousand eight hundred and sixty, and ending on the thirtieth day of June, one thousand eight hundred and sixty-one;

Also, this day, passed Senate Bill, No. 145, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No 145, above reported—read first and second times and referred to the San Francisco Delegation.

Senate Bill, No. 320, above reported—read first and second times and considered in Committee of the Whole, reported, with a recommendation that it be referred to the Committee on Ways and Means, and the bill was so referred.

Senate Chamber,
Saturday, April 21, 1860.

Mr. Speaker:—The Senate this day passed Senate Bill, No. 295, An Act to provide for the Reports and Decisions of the Supreme Court;

Also, Senate Bill, No. 322, An Act declaring Novato Creek or Estuary navigable;

Also, Assembly Bill, No. 467, An Act to fix the Compensation of the County Judge of Contra Costa County;

Also, Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 322, above reported—read first and second times, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 295, above reported—read first and second times, considered in Committee of the Whole, reported and recommended, rules suspended, read a third time, and passed.

SENATE CHAMBER,
Monday, April 23, 1860.

Mr. SPEAKER:—The Senate, on Saturday, April twenty-first, passed Assembly Bill, No. 300, An Act to Incorporate the City of Los Angeles, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

House concurred in Senate amendments to Assembly Bill, No. 300, above reported.

SENATE CHAMBER,
Saturday, April 21, 1860.

Mr. SPEAKER:—The Senate on yesterday appointed Messrs. Redman, Denver, and Kirkpatrick, a Committee of Free Conference on the part of the Senate, in accordance with a similar committee on the part of the House, on Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County to subscribe to the Capital Stock of the San Francisco and San José Railroad Company;

Also, have adopted Assembly Concurrent Resolution, No. 76, relative to leave of absence to the Public Administrator of Tehama County;

Also, Assembly Concurrent Resolution, No. 78, relative to Instructions to Controller of State.

D. J. WILLIAMSON,
Assistant Secretary.

SPECIAL ORDER.

Senate Bill, No. 140, An Act for the reclamation and disposal of Swamp and Overflowed Lands.

Also, Assembly Bills, Nos. 324, 325, and 329, upon the same subject—was taken up and considered in Committee of the Whole. The committee rose, reported progress, and had leave to sit again.

IN JOINT CONVENTION.

In accordance with a concurrent resolution previously adopted, the two Houses met in joint convention in the Assemqly Chamber for the purpose of electing two Trustees to the State Insane Asylum, and three Commissioners to the State Reform School.

Convention called to order by the President *pro tem.* of the Senate.

Senate Roll called.

Quorum present.

Assembly Roll called.

Quorum present.

Concurrent Resolutions adopted by the Senate and Assembly, read, and the President announced nominations for Trustees at the Insane Asylum at Stockton, to fill vacancies, to be in order.

Mr. Dent of the Senate, Nominated B. W. Bours, and A. C. Baine.

On motion of Mr. Wheeler, the Secretary of the Senate, and Clerk of the Assembly, were authorized to act as Tellers.

Nominations being closed, the roll of the convention was called, with the following result:

Names.	Baine.	Bours.
Anderson	1	1
Bradley	1	1
Clark	1	1
Chase	1	1
Crittenden	1	1
De la Guerra	1	1
Dent	1	1
Denver	1	1
Dickinson	1	1
Eagon	1	1
Edgerton	1	1
Franklin	1	1
Haynes	1	1
Kirkpatrick	1	1
Lansing	1	1
Leet	1	1
Logan	1	1
McDonald	1	1
Merritt	1	1
O'Farrell	1	1
Parks	1	1
Peachy	1	1
Phelps	1	1
Pico	1	1
Ryan	1	1
Titus	1	1
Vance	1	1
Wheeler	1	1
Babcock	1	1
Bailey of Tuolumne	1	1
Bowman	1	1
Campbell	1	1
Covarrubias	1	1
Daggett	1	1
Dunlap	1	1
Ellis	1	1
Callagher	1	1
Haliday	1	1
Halsted	1	1
Hammond	1	1
Harville	1	1
Hayes	1	1

Names.	Baine.	Bours.
Henry	1	1
Heston	1	1
Howe	1	1
Hugg	1	1
Hundley	1	1
Jenkins	1	1
Johnson of Sierra	1	1
Kungle	1	1
Lamar	1	1
Laspeyre	1	1
Lawrence	1	1
Lovell	1	1
Makins	1	1
Malarin	1	1
McDermit	1	1
O'Connor	1	1
O'Rear	1	1
Pate	1	1
Rodgers of San Francisco	1	1
Rogers of Tuolumne	1	1
Sawyer	1	1
Schmidt	1	1
Shannon	1	1
Shattuck	1	1
Smith of Nevada	1	1
Starr	1	1
Stevenson	1	1
Swan	1	1
Theller	1	1
Walden	1	1
Warner	1	1
Watson	1	1
Welty	1	1
Wescott	1	1
White	1	1
Wilson	1	1
Totals	78	78

Mr. Parker declined to vote.

Mr. Redman voted for Messrs. Sharp and Williams.

Mr. Sharp voted for Messrs. Redman and Williams.

Mr. Watkins voted for Messrs. Sharp and Williams.

Mr. Burson voted for Messrs. Parker and Phelps.

Mr. Conness voted for Messrs. Sharp and Redman.

Messrs. Goodman, Groom, and Gwinn, voted for Messrs. Laspeyre and Campbell.

Mr. Johnson of Amador voted for Messrs. Gwinn and Goodman.

Mr. King voted for Messrs. Conness and Johnson of Sierra.

Mr. Maxson voted for Messrs. Parker and Tilton.

Mr. Patten voted for Messrs. Laspeyre and Gwinn.

Mr. Phelps voted for Messrs. Conness and Clark.
Mr. Smith of Sutter voted for Messrs. Stevenson and Lansing.
Mr. Stone voted for Messrs. Moses Haynes and Johnson of Alturas.
Mr. Tilton declined to vote.
Mr. Walden voted for Messrs. Downey and Phelps.
Mr. Williams voted for Messrs. Sharp and Redman.
Mr. Yancey voted for Alturas Johnson and Mose Haynes.

Names.	Vote.
B. W. Bours	78
A. C. Baine	78
J. M. Williams	3
Sharp	4
Redman	3
Parker	2
Phelps	2
Laspeyre	3
Gwinn	2
Stevenson	1
Lansing	1
Downey	1
Conness	2
Johnson	3
Moses Haynes	2
Total	185

Whole number of votes cast, ninety-six.
Necessary to a choice, forty-nine.
B. W. Bours and A. C. Baine, having received a majority of all votes cast, were declared by the President, duly elected Trustees of the State Insane Asylum.
The President *pro tem.* announced nominations for the Trustees of the State Reform School at Marysville, to be in order.
Mr. Parks, of the Senate, nominated Nelson Wescott, John A. Paxton, and John Lowry.
Mr. Merritt of the Senate, nominated J. C. Pelton.
Mr. Daggett, of the Assembly, nominated H. S. Foushee.
Mr. Ellis, of the Assembly, nominated J. M. Frey.
Mr. Smith of Sutter, of the Assembly, nominated James Richards.

Nominations being closed, the roll of the convention was called, with the following result:

FIRST BALLOT.

Names.	Wescott	Paxton	Lowry	Pelton	Foushee	Frey	Richards
Anderson	1		1				1
Bradley	1				1		1
Ballou		1	1				
Clark	1		1			1	
Chase	1	1		1			
Crittenden	1		1		1		
De la Guerra	1		1	1			
Dent	1	1	1				
Denver		1	1				1
Dickinson	1	1	1				
Eagon	1		1		1		
Edgerton		1	1	1			
Franklin	1	1	1				
Haynes	1	1			1		
Kirkpatrick	1	1			1		
Lansing		1	1	1			
Leet		1	1				1
Logan	1		1	1			
McDonald	1			1	1		
Merritt		1	1	1			
O'Farrell			1	1			1
Parker			1	1			
Parks	1	1	1				
Peachy		1	1	1			
Phelps		1	1	1			
Pico	1	1		1			
Redman	1		1	1			
Ryan	1	1	1				
Sharp			1	1			1
Titus	1	1			1		
Vance		1	1	1			
Watkins		1	1				1
Wheeler	1	1	1				
Babcock	1		1	1			
Bailey of Tuolumne	1			1			1
Beach	1		1		1		
Bowman	1	1		1	1		
Burson	1						1
Campbell	1		1		1		
Conn		1					
Conness	1	1		1			
Coombs	1	1		1			
Covarrubias	1		1	1			
Daggett					1	1	1
Dunlap	1		1				1

Names.	Wescott	Paxton	Lowry	Pelton	Foushee	Frey	Richards
Ellis	1		1			1	
Fairchild	1			1		1	
Gallagher		1	1		1		
Goodman	1				1		1
Gwinn	1		1		1		
Haliday	1	1	1				
Halsted	1		1	1			
Hammond		1	1	1			
Harville	1	1		1			
Hayes	1		1				1
Henry	1	1					1
Heston	1				1		
Howe		1	1	1			
Hugg	1	1	1				
Hundley		1	1		1		
Jenkins	1		1	1			
Johnson of Amador		1				1	
Johnson of Sierra	1			1			1
King	1			1	1		
Kungle	1	1	1				
Lamar	1				1		1
Lambert		1	1	1			
Laspeyre	1		1			1	
Lawrence	1		1				1
Lewis	1	1	1				
Lovell	1		1				1
Makins		1		1			1
Malarin	1			1	1		
Maxon	1		1	1			
McDermit	1		1		1		
O'Connor	1		1	1			
O'Rear	1	1	1				
Pate		1	1	1			
Patten	1		1		1		
Phelps		1		1	1		
Rogers of San Francisco	1		1	1			
Rodgers of Tuolumne	1		1	1			
Sawyer	1		1	1			
Schmidt	1		1	1			
Shannon		1	1				1
Shattuck	1		1	1			
Smith of Nevada	1		1			1	
Smith of Sutter		1	1				1
Starr	1		1		1		
Stevenson	1		1	1			
Stone	1		1				1
Swan	1	1		1			
Theller	1		1	1			

Names.	Wescott	Paxton	Lowry	Pelton	Foushee	Frey	Richards
Walden	1	.....	1	1	.....	.....	
Warner	.....	1	1	1	.....	.....	
Watson	1	1	1	.....	.....	.....	
Welty	1	.....	1	.....	.....	.....	1
Wescott	1	1	1	.....	.....	.....	
White	1	1	.....	.....	1	.....	
Wilkins	1	1	.....	.....	.....	.....	
Williams	1	1	1	.....	.....	.....	
Wilson	1	.....	.....	1	.....	.....	1
Yager	1	1	.....	.....	1	.....	
Yancey	1	.....	1	.....	1	.....	
Totals	77	53	73	47	26	6	24

Names.	Vote.
Nelson Wescott	77
John A. Paxton	53
John Lowry	73
J. C. Pelton	47
H. S. Foushee	26
J. M. Frey	6
James Richards	23
Total	104

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Nelson Wescott and John Lowry, having received a majority of all the votes cast, were declared by the President *pro tem.* duly elected Trustees of the State Reform School.

The Convention then proceeded to the election of one more Trustee, with the following result:

Mr. Frey's name was withdrawn.

Mr. Richards' name was also withdrawn.

SECOND BALLOT.

Names.	Foushee.	Pelton.	Paxton.
Bradley	1	.....	
Chase	.....	1	
Clark	.....	1	

Names.	Foushee.	Pelton.	Paxton.
Crittenden	1		
De la Guerra		1	
Dent			1
Denver		1	
Dickinson			1
Eagon	1		
Edgerton			1
Franklin			1
Haynes	1		
Kirkpatrick		1	
Lansing			1
Leet			1
Logan		1	
McDonald	1		
Merritt		1	
O'Farrell		1	
Parker		1	
Parks			1
Peachy			1
Phelps		1	
Pico		1	
Redman		1	
Ryan			1
Sharp		1	
Titus	1		
Vance			1
Watkins			1
Wheeler			1
Babcock		1	
Bailey of Tuolumne		1	
Beach	1		
Bowman	1		
Campbell	1		
Conness		1	
Coombs			1
Covarrubias		1	
Daggett	1		
Dunlap	1		
Ellis	1		
Fairchild			1
Gallagher			1
Goodman	1		
Gwinn	1		
Haliday			1
Halsted		1	
Hammond		1	
Harville		1	
Hayes	1		
Henry			1
Heston	1		
Howe		1	
Hugg			1

Names.	Foushee.	Pelton.	Paxton.
Hundley			1
Jenkins		1	
Johnson of Amador			1
Johnson of Sierra		1	
King	1		
Kungle			1
Lamar	1		
Lambert			1
Laspeyre	1		
Lawrence		1	
Lewis	1		
Lovell	1		
Makins		1	
Malarin	1		
Maxon		1	
McDermit	1		
O'Connor		1	
O'Rear			1
Pate		1	
Patten	1		
Phelps		1	
Rogers of San Francisco		1	
Rodgers of Tuolumne		1	
Sawyer		1	
Schmidt		1	
Shannon			1
Shattuck		1	
Smith of Nevada	1		
Smith of Sutter			1
Starr	1		
Stevenson		1	
Stone		1	
Swan	1		
Theller		1	
Walden		1	
Warner		1	
Watson			1
Welty	1		
Wescott			1
White	1		
Wilkins		1	
Williams			1
Wilson	1		
Yager			1
Yancey	1		
Totals	31	40	29

Names.	Vote.
H. S. Foushee	31
J. C. Pelton	40
John A. Paxton	29
Total	100

Whole number of votes cast, one hundred.

Necessary to a choice, fifty-one.

Neither candidate having received a sufficient number of votes cast to elect, the convention proceeded to another ballot, with the following result:

THIRD BALLOT.

Names.	Foushee.	Pelton.	Paxton.
Anderson		1	
Bradley	1		
Ballou			
Clark	1		1
Chase		1	
Crittenden	1		
De la Guerra		1	
Dent	1		
Denver			1
Dickinson			1
Eagon	1		
Edgerton			1
Franklin			1
Haynes	1		
Kirkpatrick		1	
Lansing		1	
Leet			1
Logan			1
McDonald	1		
Merritt		1	
O'Farrell		1	
Parker		1	
Parks			1
Peachy		1	
Phelps		1	
Pico		1	
Redman		1	
Ryan			1
Sharp		1	
Titus	1		
Vance			1
Watkins			1
Wheeler			1

Names.	Foushee.	Pelton.	Paxton.
Babcock		1	
Bailey of Tuolumne		1	
Beach	1		
Bowman	1		
Campbell	1		
Conness		1	
Coombs			1
Covarrubias	1		
Daggett	1		
Dunlap	1		
Ellis	1		
Fairchild		1	
Gallagher	1		
Goodman	1		
Gwinn	1		
Haliday			1
Halsted		1	
Hammond		1	
Harville		1	1
Hayes	1		
Henry			1
Heston	1		
Howe		1	
Hugg			1
Hundley			1
Jenkins		1	
Johnson of Amador			1
Johnson of Sierra		1	
King	1		
Kungle			1
Lamar	1		
Lambert			1
Laspeyre	1		
Lewis	1		
Lovell	1		
Makins		1	
Malarin	1		
Maxson		1	
McDermit	1		
O'Connor		1	
O'Rear			1
Pate		1	
Patten	1		
Phelps		1	
Rogers of San Francisco		1	
Rodgers of Tuolumne		1	
Sawyer		1	
Schmidt		1	
Shannon			1
Shattuck		1	
Smith of Nevada	1		
Smith of Sutter			1

Names.	Foushee.	Pelton.	Paxton.
Starr	1		
Stevenson		1	
Stone	1		
Swan	1		
Theller		1	
Walden		1	
Warner		1	
Watson			1
Welty	1		
Wescott			1
White	1		
Wilkins		1	
Williams			1
Wilson	1		
Yager			1
Yancey	1		
Totals	36	48	27

Names.	Vote.
H. S. Foushee	36
J. C. Pelton	38
John A. Paxton	27
Total	101

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Neither candidate having received a sufficient number of votes cast to elect, the convention proceeded to another ballot, with the following result:

Mr. Paxton's name was withdrawn.

FOURTH BALLOT.

Names.	Foushee.	Pelton.
Anderson		1
Bradley	1	
Ballou		1
Clark	1	
Chase		1
Crittenden	1	
De la Guerra		1
Dent	1	
Denver	1	
Dickinson	1	

Names.	Foushee.	Pelton.
Eagon	1	
Edgerton		1
Franklin	1	
Haynes	1	
Kirkpatrick		1
Lansing		1
Leet		1
Logan	1	
McDonald	1	
Merritt		1
O'Farrell		1
Parker		1
Parks	1	
Peachy		1
Phelps		1
Pico		1
Redman		1
Ryan		1
Sharp		1
Titus	1	
Vance		1
Watkins		1
Wheeler		1
Babcock		1
Bailey of Tuolumne		1
Beach	1	
Bowman	1	
Burson		1
Campbell	1	
Conness		1
Coombs		1
Covarrubias		1
Daggett	1	
Dunlap	1	
Ellis	1	
Fairchild		1
Gallagher	1	
Goodman	1	
Gwinn	1	
Haliday	1	
Halsted		1
Hammond		1
Harville		1
Hayes	1	
Henry	1	
Heston	1	
Howe		1
Hugg		1
Hundley	1	
Jenkins		1
Johnson of Amador	1	
Johnson of Sierra	1	

Names.	Foushee.	Pelton.
King	1	
Kungle	1	
Lamar	1	
Lambert	1	
Laspeyre	1	
Lewis	1	
Lovell	1	
Makins		1
Malarin	1	
Maxson		1
McDermit	1	
O'Connor		1
O'Rear	1	
Pate		1
Patten	1	
Phelps		1
Rogers of San Francisco		1
Rodgers of Tuolumne		1
Sawyer		1
Schmidt		1
Shannon	1	
Shattuck		1
Smith of Nevada	1	
Starr	1	
Stevenson		1
Stone	1	
Swan	1	
Theller		1
Walden		1
Warner		1
Watson	1	
Welty	1	
Wescott		1
White	1	
Wilkins	1	
Williams		1
Wilson	1	
Yager	1	
Yancey	1	
Totals	52	49

Names.	Vote.
H. S. Foushee	52
J. C. Pelton	49
Total	101

Whole number of votes cast, one hundred and one.
Necessary to a choice, fifty-one.
Mr. H. S. Foushee, having received a majority of all the votes cast, was declared by the President *pro tem.* duly elected Trustee of the State Reform School.
Its object having been accomplished, the convention adjourned *sine die* and the Senate withdrew.
The House took a recess for half an hour.

At half past three o'clock the House reassembled, and there being no quorum present, on motion of Mr. Smith of Nevada, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 24, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
The Roll was called.
Quorum present.
The Journal of yesterday was read and approved.

GENERAL FILE.

Senate Bill, No. 300, An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to compensate the Owners of Land taken for that purpose—committee amendments adopted, further amended, read third time.
On its passage, Messrs. Goodman, Campbell, and Haliday, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Beach, Bowman, Covarrubias, Daggett, Dunlap, Goodman, Hammond, Harville, Howe, Hundley, King, Lambert, Laspeyre, Lawrence, Lovell, Makins, Maxson, Pate, Phelps, Rogers of San Francisco, Shattuck, Swan, Tilton, Watson, White, Williams, Wilson, Yager, and Yancey—29.
NOES—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Ellis, Fairchild, Gwinn, Haliday, Hayes, Johnson of Amador, Kungle, Lamar, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Stone, and Welty—21.

Mr. Goodman gave notice of reconsideration.

REPORTS.

Reports were made as follows:
By Committee on Claims:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred the claim of D. H. Whipley, have had the same under consideration, and herewith return the same with the accompanying bill and recommend the passage of the bill.

E. A. STEVENSON,
Chairman.

The bill above reported was read first and second times, considered in Committee of the Whole, reported, passage recommended, considered engrossed, and placed on file.

By Mr. Sawyer:

Mr. Speaker:—The San Francisco Delegation, to whom was referred Senate Bill, No. 142, have had the same under consideration, and have amended the same, and beg leave to report the same back and recommend its passage as amended.

SAWYER,
For Delegation.

The House adopted amendments to Bill, No. 142, above reported—bill was read third time and passed.

Also:

Mr. Speaker:—The San Francisco Delegation, to whom was referred Senate Bill, No. 145, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight, have had the same under consideration, and report the same back with amendments and recommend its passage as amended.

F. A. SAWYER,
For the Delegation.

Amendments to Senate Bill, No. 145, above reported—was adopted, bill read third time, and passed.

GENERAL FILE, RESUMED.

Senate Bill, No. 119, An Act making an appropriation for the Payment of D. J. Snyder for Services rendered by him—was considered in Committee of the Whole, reported, and recommended, read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

Senate Chamber,
Monday, April 23, 1860.

Mr. Speaker:—The Senate, this day, passed Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City of San Francisco, and against the City and County of San Francisco;

Also, Assembly Bill, No. 228, An Act fixing the Salary of the Registrar of the State Land Office;

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 482, An Act for the Payment of certain Claims and Deficiencies.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 72, above reported.

Senate Bill, No. 297, above reported—was read first and second times, and referred to the San Francisco Delegation.

SENATE CHAMBER,
April 24, 1860.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 307, An Act concerning the Action of Libel.

J. R. BEARD,
Secretary of the Senate.

Senate Bill, No. 307, above reported—was read first time.

SENATE CHAMBER,
April 24, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 331, An Act to authorize the sale of a portion of the Real Estate of the late James Williams, deceased;

Also, Senate Bill, No. 330, An Act Relative to the Board of Supervisors of Sonoma County;

Also, Senate Bill, No. 328, An Act for the Payment of certain Deficiencies;

Also, Assembly Bill, No. 472, An Act concerning Roads and Highways in the County of Placer, with amendments;

Also, Assembly Bill, No. 464, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road purposes, with amendments;

Also, Senate Bill, No. 289, An Act amendatory of "An Act concerning the Offices of Sheriff and County Recorder of the City and County of San Francisco;"

Also, Senate Bill, No. 322, An Act amendatory of "An Act to provide Revenue for the Support of the Government of this State so far as the County of Butte is concerned."

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 322, above reported—was read first and second times, and placed on the top of the file.

Senate Bill, No. 331, above reported—was read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 289, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 328, above reported—was read first time.

Senate Bill, No. 330, above reported—was read first and second times, and placed on file.

The House concurred in Senate amendments to Assembly Bills, Nos. 464 and 472, above reported.

Mr. Warner made the following report:

MR. SPEAKER:—The Los Angeles Delegation, to which was referred Assembly Bill, No. 391, for An Act to authorize the Funding of the Outstanding Debt of the County of Los Angeles, and to provide for the payment of the same, having failed to unite in a report, or upon amendments to the bill, or a substitute therefor, renders it incumbent on the

undersigned, from having been the medium through which the bill was presented to this Assembly, and as one of the delegates to whom the same was committed, to report the same back to this House for its consideration and final action. In the performance of this duty, the undersigned begs leave to submit the following as some of the objections to the passage of this bill, which have presented themselves on an examination of the provisions therein contained. It is a well established principle in the funding of public debts, that the final payment of the principal or the punctual and certain payment of the interest, should be provided for in a manner that would remove it from being subject to the ordinary contingencies and fluctuations of the general revenue, otherwise a gross injustice may be perpetrated, to the great detriment of the public creditors, and certain ruin to the public credit.

Section eleven of this bill provides for a tax of twenty-five cents on the one hundred dollars of the taxable property of the county, as a source for the payment of the annual interest and redemption of the principal. The assessed value of all the real and personal property of the county of Los Angeles, as shown by the official reports in the office of the State Controller, was in one thousand eight hundred and fifty-one, a little over two million of dollars. In one thousand eight hundred and fifty-three, it exceeded by a fraction the sum of three million, and in one thousand eight hundred and fifty-four, it was more than three and a half million. Since which time it has been diminishing, as appears by the last annual report, when it amounted to the sum of two million three hundred and seventy-five thousand five hundred and twenty-three dollars.

The depreciation in the assessed value of the property of that county, which commenced soon after the funding of the debt in one thousand eight hundred and fifty-three, and which, with the present financial difficulties under which the county is suffering, and which do not appear to have been remedied or lessened by the funding act of one thousand eight hundred and fifty-three, as the county is now involved in a debt nearly or quite double to that then existing, and which is not yet extinguished, does not warrant the hope that the value of property, suffering from such a load of taxation, will be enhanced. The proposed tax of twenty-five cents on the one hundred dollars of property, taking the last annual report as a basis, will only produce the sum of five thousand nine hundred and twenty-six dollars and thirty cents. The Board of Supervisors, in recommending the passage of the bill under consideration, has not seen fit to furnish the Legislature with an account of the amount proposed to be funded, or any data upon which to found an estimate of either the present or the anticipated debt of the county on the first of January, one thousand eight hundred and sixty-one. It is, however, the belief of the undersigned, that the amount which would become subject to the provisions of this bill, will not fall short of one hundred thousand dollars; the annual interest of which will be, if funded by this bill, seven thousand dollars. Thus it will be seen that no certain adequate provision is made for the payment of the annual interest, much less for the redemption of the bonds. In the foregoing estimate, no allowance has been made for the delinquency in tax collections, which must lessen the income proposed to meet the interest and principal.

It is evident that the framers of this bill were sensible of the inadequacy of the means provided in section eleven for the payment of this debt, as section fourteen provides that in one thousand eight hundred and seventy-four, after a lapse of fourteen years, the Board of Supervisors

shall, in the event of a contingency which may occur, levy a tax of thirty cents in lieu of twenty-five cents.

Section eleven also contains a clause which must hereafter render the credit of the county fluctuating and uncertain, consequently injurious to the prosperity of the people and county. By this clause the County Treasurer is authorized, by his separate action, to set apart and apply the funds provided for other county purposes, to meet the annual deficiencies that may occur in the interest fund. The certain consequence of this system, although it may secure the payment of the interest on the funded debt, will be to depress the value of Auditor's warrants, and render their payment so uncertain and indefinite as must inevitably lead to more serious embarrassment in the financial affairs of the county.

This bill not only proposes to fund the present indebtedness of the county, but the future indebtedness which may arise between the present time and the second of January, one thousand eight hundred and sixty-one. This is not only an anomalous feature, but is in direct conflict with the title of the bill, which is "To authorize the Funding of the Outstanding Debt," etc. and not the prospective or future indebtedness of the county. Another serious objection to this bill is, that by section one, the Board of Supervisors are authorized immediately to prepare the bonds, bearing interest from their issue, and place them in the hands of the Treasurer, who is authorized to issue them so soon as the Auditor's warrants may be presented to him; while section ten provides that the interest on all warrants presented for funding shall be allowed up to the second day of January, one thousand eight hundred and sixty-one, which interest shall be added to the principal, and form part of the amount for which the bond shall be given. If this bill should become a law, it will pay not only the seven per cent. on all bonds issued prior to January second, one thousand eight hundred and sixty-one, but ten per cent. and seven per cent. upon the ten per cent. on all sums, and for all the time which may intervene between their issuance by the Treasurer and the second of January, one thousand eight hundred and sixty-one. The amount which will be funded by this bill may be safely estimated at one hundred thousand dollars, all of which may be funded prior to the first of June next. In this event the county would suffer a loss by the provisions of the tenth section more than six thousand dollars.

The obligation to pay the yearly interest, either in San Francisco or Los Angeles, at the option of the bondholders, leaving them to make the demand at either place, without giving previous notice, is objectionable. The County Treasurer can have no knowledge whether the coupons will be presented in Los Angeles or San Francisco. To preserve intact the credit of the county, there must be annually provided a sum double the amount of interest falling due, one-half of which must be sent to San Francisco at a serious risk or unnecessary expense to the county. If, as is presumable, an annual deficiency in the sum provided by section eleven for the yearly interest will occur, and to supply which a draft upon the General Fund must be made to the great injury of the credit of the county, what complete derangement of all financial calculations must be the consequence of this provision. The undersigned believes that were there no other objections to this bill than this one, it should prevent its passage.

Experience has proved the judiciousness, and it might be said, the necessity, of restraining the power of municipal authorities in the exercise of the right to impose taxation upon the people. In this bill, however, the imposition of a tax for a specific object—and being a financial measure might, and should, be ascertained and fixed to a definite sum—is left

wide open to to the action of the County Supervisors. There is no check or limit to their power; and, when the loose and unguarded provisions of the bill are considered, warrants the conclusion that the passage of this bill, instead of remedying the present financial difficulties of Los Angeles County, would tend to plunge it in irretrievable bankruptcy.

Economy the most rigid is required to extricate the financial affairs of too many of the counties of this State from their present embarrassments. It does not appear, from this bill, that the Supervisors of Los Angeles County, notwithstanding the fact that the warrants of their County Auditor are unsaleable at fifty cents on the dollar, have the least idea of this necessity. By sections three and fifteen, one thousand five hundred and fifty dollars is appropriated to defray the expenses of funding the debt, while there is not an office created, nor onerous burdens imposed upon any of the present county officers. In one thousand eight hundred and fifty-three the county debt of Los Angeles was funded under an act more carefully drawn and requiring more labor to carry it into execution than is provided for in this bill, and it will be seen, by reference to the act, that only two hundred dollars were appropriated to defray the expenses. Why, at this time, when labor is of less value, when compared with money, a much greater sum should be necessary, does not appear.

The value of bonds depends upon the provision made to meet the interest and principal if redeemable in a short period. Purchasers will examine the law under which bonds are issued, and as that law may be guarded or defective, will be the value which they will place upon the bonds. It is apparent that the only provision to be found in this bill for the redemption of the bonds is contained in the fourteenth section, where the Board of Supervisors are required to levy a tax of thirty cents on the one hundred dollars of taxable property, after the year one thousand eight hundred and seventy-four. The remoteness of the time in which this provision takes effect, it being two-thirds of the whole period previous to the redemption of the bonds, the diminution of the assessed value of property in that county as shown by the State Controller's books, the fact that the debt of the county has been constantly growing since it was funded in one thousand eight hundred and fifty-three, the loose and extravagant provisions of this bill, the absence of financial skill displayed in its provisions, instead of inspiring confidence in the credit and ability of that county to meet its financial engagements, would tend to create a distrust in the minds of all prudent capitalists, and force the bonds into the market as fancy stock, to be operated upon by speculators and sharpers, to the great detriment of the credit and consequently the people of Los Angeles County. The bill is defective from the want of certainty in providing for the payment of the annual interest. This, in part, depends upon the contingency that the General Fund of the county will be able to furnish money to meet the interest.

In asking the authority of the State, to permit the county to call in its warrants, which are drawing ten per cent. and issue to the holders in lieu thereof bonds of only seven per cent. interest, the Board of Supervisors should have presented the case, both to the State and the creditors of the county, under such an aspect as would create a confidence in the ability and determination of that Board to institute a system of retrenchment and economy that would insure a change which should lead to the restoration of the credit of the county to a cash basis. Some guarantee, either in the bill itself, or in the administration of the finances of the county, should have been given that upon the funding of the present debt, its certain payment should not only be provided for, but that in the future, and

until this funded debt should be extinguished, the current expenses of the county would be paid in cash, as they might be incurred. Nothing of this nature, however, has been presented to this Legislature. Instead of plans and petitions for the reduction of the current expenses of the county, having been presented to the Legislature by the Board of Supervisors of that county, they have given the influence of their names, and the prestige of their official position to secure the passage of laws which will greatly increase the expenses of that county, with no accruing benefit. Through the influence of this Board of Supervisors, a bill has passed this House and the Senate, notwithstanding the remonstrance of hundreds of the taxpayers of that county, exclusively designed for the benefit of an office holder, which necessarily augments, to a large amount, the liabilities of the county, causing annually a heavy drain upon the treasury, while at the same time it impoverishes the people, the source from which the treasury is supplied, by the imposition of exorbitant charges, to which they must submit.

The beneficiaries of office, and of county taxation, aided and supported by their friends, have unceasingly watched with care and zeal, to prevent the egress from the doors of the legislative halls of any bill which might afford the least relief to the oppressed tax payers of Los Angeles County. Each and every attempt which has been made to obtain the passage of any bill by this Legislature, to relieve the tax payers of the county which I, in part, represent, has hitherto proved unsuccessful. Unwilling to expose the people of Los Angeles County, (and who sent me here to protect their interests, and not to oppress them, for the benefit of greedy office holders,) to the danger to which they will be subject if unrestricted authority to levy taxes should be conferred upon a board of officers which has recommended the adoption of measures by this Legislature so prejudicial to the interests of the people, and which seeks the enactment of a bill justly liable to so many objections as the one under consideration, I am compelled reluctantly to withhold my assent to its enactment.

In preparing a bill by which a debt is to be funded, the undersigned is aware that an intimate knowledge of the financial condition of the payer should be within the reach of him who would make the attempt, in order that the amount of revenue that may be appropriated to meet the demands of this funded debt and the source from which it may be most advantageously derived, shall be such as will be certain to insure that object, while it shall not cripple the revenues destined for the ordinary expenses of the county.

The revenues of past years, the cause of the accumulated debt, and if arising from causes which are in continual operation, whether these causes can be removed and the fountain of indebtedness staunched, or whether new sources of revenue exist which may be devoted to the extinction of the funded debt, or to the payment of future liabilities; or, lastly, whether the present sources of revenue can be further taxed, so as to meet the demands required, without prejudice to those sources by endangering their vigor and prosperity; and if not, what expenses can be curtailed with the least injury, so that the ordinary expenditures shall fall below the income, should be at the command of that person who would attempt with success to draft a bill to provide for funding a public debt.

Unprovided with the required knowledge upon this subject, and doubtful of my ability, even were all these facts in my possession, to frame a bill which would meet the necessary requirements of a funding act, the undersigned deems it the more prudent course to permit the subject to remain over for future legislation.

No great evil can result from a delay of one or two years in funding this debt, while an irreparable injury would ensue by funding under an injudicious act.

From these considerations, the undersigned would recommend that the bill should not pass.

J. J. WARNER,
Of the Los Angeles Delegation.

GENERAL FILE, RESUMED.

Assembly Bill, No. 360, An Act to incorporate District Agricultural Societies, and to repeal "An Act to Incorporate the State Agricultural Society," passed May thirteenth, one thousand eight hundred and fifty-four—considered in Committee of the Whole, the committee rose.

Senate Bill, No. 196, An Act to appropriate Money for the relief of Destitute Females in San Francisco—read second time, considered in Committee of the Whole, reported, and passage recommended, and made special order for April twenty-fifth, at ten minutes past twelve, P. M.

Senate Bill, No. 275, An Act to audit and allow the Claim of Edmund Williamson & Co.—amendments adopted, bill read third time.

On its passage Messrs. Jenkins, Henry, and Babcock, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Conness, Covarrubias, Ellis, Fairchild, Haliday, Hammond, Hayes, Henry, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Laspeyre, Malarin, Maxson, Pate, Phelps, Sawyer, Schmidt, Smith of Nevada, Starr, Stevenson, Swan, Theller, Walden, and Welty—28.

NOES—Messrs. Bailey of Tuolumne, Beach, Bowman, Dunlap, Gallagher, Goodman, Harville, Howe, Hugg, Hundley, King, Kungle, Lewis, Makins, O'Connor, Patten, Rodgers of Tuolumne, Shattuck, Smith of Sutter, Watson, Wescott, White, Williams, Wilson, and Yager—25.

Assembly Bill, No. 470, An Act for the Construction and Improvement of a Wagon Road leading from Lake City to Utah Territory, called the Henness Pass Route—considered in Committee of the Whole, and reported without recommendation.

Mr. Walden moved a call of the House.

Carried.

Certain members were found absent.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

On ordering the bill engrossed, Messrs. Johnson of Amador, White, and Howe, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Covarrubias, Dunlap, Hayes, Henry, Hugg, Lamar, O'Connor, Patten, Sawyer, Smith of Nevada, Smith of Sutter, Starr, Stone, Tilton, Warner, Watson, Welty, White, and Williams—18.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Bowman, Campbell, Conness, Coombs, Ellis, Gallagher, Haliday, Halsted, Hammond, Harville, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Lewis, Lovell, Makins, Malarin, Maxson, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Stevenson, Swan, Theller, Walden, Warner, Wescott, Wilson, and Yancey—40.

REPORTS.

Reports were also made as follows:
By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 213, An Act to provide for Recording notice of claims to Private Land Grants in this State;

Also, substitute for Assembly Bill, No. 130, An Act for the relief of Witnesses in Criminal Cases, in the City and County of Sacramento;

Also, Assembly Bill, No. 296, Substitute for Assembly Bills, Nos. 239, 245, 248, 279, 296, and 328, An Act to change the Names of Persons herein named;

Also, Assembly Bill, No. 127, An Act to authorize Charles B. Polhemus, Robert Allen, John Perry, Jr. and W. Southwick, their associates and assigns, to Construct and keep in Repair, a certain Street, in the City and County of San Francisco, and to levy and collect Tolls thereon;

Also, Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to pay certain Claims;

Also, Assembly Bill, No. 410, An Act to authorize the Executrix of W. B. Olds, deceased, to sell Real Estate of her Testator, at Private Sale;

Also, Assembly Bill, No. 124, An Act to authorize J. C. Cissna to construct a Breakwater and Wharf, at the Port of San Luis Obispo, and providing for the same;

Also, Assembly Bill, No. 440, An Act to amend an Act entitled "An Act to annex a portion of San Joaquin County to Stanislaus County," approved February seventeenth, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 240, An Act to define the Limits and Boundaries of the County of Marin;

Also, Assembly Bill, No. 192, An Act to provide for the construction of a Railroad from a point on Petaluma Creek, into the City of Petaluma, and for the right of way for the same;

Also, Assembly Concurrent Resolution, No. 69, Relative to the Indian Reserves in California;

Also, Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale," so far as said Act relates to Lands situated in the County of Sacramento.

HUGG,
For the Committee.

By Mr. Theller:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 482, An Act for the Payment of certain Claims and Deficiencies.

SAML. L. THELLER,
Chairman.

SPECIAL ORDER.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State, special order of the day—was taken up, and on further consideration of the bill, postponed until half-past two o'clock.

Senate Bill, No. 290, An Act to appropriate Money for the Completion of a Wagon Road over the Sierra Nevada—was taken up.

Mr. Hugg moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Babcock, Bowman, Burson, Conn, Crowell, Curtis, Daggett, Groom, Haliday, Halsted, Hammond, Hayes, Jenkins, Lawrence, Lewis, Maxson, McDermit, Rogers of San Francisco, Shannon, Shattuck, Shelton, Walden, Warner, and Wilkins.

Mr. Johnson of Sierra moved to dispense with further proceedings under the call.

Carried.

Mr. Hugg moved to lay the bill on the table.

Mr. Conness demanded the previous question.

Upon which, Messrs. Conness, Theller, and Fairchild, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Haliday, Hammond, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Lamar, Lambert, Lewis, Lovell, Makins, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Warner, Wescott, White, Williams, Yager, and Yancey—24.

Noes—Messrs. Babcock, Bowman, Campbell, Conness, Covarrubias, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Harvilie, Johnson of Amador, Johnson of Sierra, Kungle, Laspeyre, Lawrence, Maxson, O'Connor, Pate, Patten, Phelps, Sawyer, Schmidt, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Walden, Watson, Welty, and Wilson—36.

The bill was then considered in Committee of the Whole, reported with amendment, and passage recommended—amendment adopted.

Mr. Yancey offered the following amendment:

And the sum of fifteen thousand dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to aid in the construction of a wagon road leading from Sonora, in Tuolumne County, to Mono Lake, said money to be expended under the direction and control of the Board of Supervisors of said county of Tuolumne, and the Controller of State is hereby authorized and required to draw his warrant for the said sum of fifteen thousand dollars upon receipt of the joint order of the said Board of Supervisors of Tuolumne Connty.

Mr. Welty offered the following amendment:

On the — day of May, one thousand eight hundred and sixty, the Board of Supervisors aforesaid shall meet at the town of Folsom, in joint session, for the election of a Superintendent, as provided in this act.

Mr. Howe moved the previous question.

Upon which, Messrs. Hundley, Conness, and Campbell, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Beach, Burson, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Harville, Hayes, Henry, Heston, Jenkins, Lamar, Lovell, Maxson, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Watson, Welty, and Yager—35.

Noes—Messrs. Bailey of Tuolumne, Gallagher, Haliday, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, O'Connor, Pate, Patten, Rodgers of Tuolumne, Smith of Nevada, Starr, Swan, Wescott, White, Williams, Wilson, and Yancey—26.

On Mr. Yancey's amendment, Messrs. White, Yancey, and Bailey of Tuolumne, demanded the ayes and noes, and the amendment was lost by the following vote:

AYES—Messrs. Bailey of Tuolumne, Gallagher, Hayes, Henry, Howe, Hugg, Hundley, Johnson of Amador, Kungle, Laspeyre, Lewis, O'Connor, Rodgers of Tuolumne, Smith of Nevada, Walden, Wescott, White, Williams, Wilson, and Yancey—20.

NOES—Messrs. Babcock, Beach, Burson, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Halsted, Hammond, Harville, Heston, King, Lamar, Lambert, Lovell, Maxson, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Tilton, Warner, Watson, Welty, and Yager—38.

Mr. Welty's amendment was adopted.

On the passage of the bill, Messrs. Welty, Yancey, and Howe, demanded the ayes and noes, and the bill was lost by the following vote:

AYES—Messrs. Babcock, Burson, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Henry, Heston, Johnson of Sierra, Lamar, Maxson, Pate, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stone, Theller, Tilton, Watson, and Welty—27.

NOES—Messrs. Bailey of Tuolumne, Beach, Campbell, Conness, Gallagher, Haliday, Halsted, Hammond, Harville, Hayes, Howe, Hugg, Hundley, Johnson of Amador, Kungle, Lambert, Laspeyre, Lewis, Lovell, O'Connor, Phelps, Rodgers of Tuolumne, Smith of Nevada, Stevenson, Swan, Walden, Wescott, White, Williams, Wilson, Yager, and Yancey—32.

Mr. Conness gave notice of reconsideration.

Mr. Hayes moved to adjourn.

Upon which, Messrs. Hayes, Williams, and Howe, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Tuolumne, Gallagher, Haliday, Hayes, Howe, Hugg, Jenkins, Lambert, Lewis, O'Connor, Phelps, Smith of Nevada, and White—13.

NOES—Messrs. Babcock, Beach, Burson, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Halsted, Harville, Henry, Heston, Hundley, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Laspeyre, Lawrence, Lovell, Maxson, Pate, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Tilton, Warner, Watson, Welty, Wescott, Williams, Wilson, Yager, and Yancey—48.

Senate Bill, No. 186, An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States, special order of the day, was postponed until April twenty-fifth, at thirty minutes past twelve, P. M.

Mr. Parker made the following report:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal	675	15 cts.	$101 25
For Printer, etc	3,075	10	307 50
Totals	3,750	.....	$408 75

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of Four Hundred and Eight Dollars and Seventy-Five Cents, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.

Mr. Lamar moved to suspend the rules, for the purpose of introducing a resolution.

Upon which, Messrs. Beach, Williams, and King, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Campbell, Conness, Covarrubias, Daggett, Dunlap, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, King, Lamar, Lewis, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Theller, Watson, Wescott, Wilson, and Yancey—33.

NOES—Messrs. Bailey of Tuolumne, Beach, Burson, Ellis, Haliday, Hammond, Harville, Hayes, Kungle, Maxson, O'Connor, Pate, Shattuck, Stevenson, Tilton, Warner, White, Williams, and Yager—19.

Mr. Conness offered the following resolution:

Resolved, That from and after the passage of this resolution no member shall be allowed, without unanimous consent, to speak more than five minutes at any one time, nor more than twice on any one subject. This rule shall apply to the House, and Committee of the Whole.

Laid over under the rule.

The consideration of Senate Bill, No. 43, the Revenue Bill, was resumed.

On concurring in committee amendments to section fifty-nine, relative to poll tax, Messrs. Lamar, Williams, and Campbell, demanded the ayes and noes, and the amendment was adopted by the following vote:

AYES—Messrs. Beach, Conness, Dunlap, Fairchild, Gallagher, Hammond, Henry, Howe, Jenkins, Johnson of Amador, Kungle, Lambert, Lovell, Patten, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Starr, Stone, Theller, Wescott, White, Wilson, and Yager—25.

NOES—Messrs. Campbell, Covarrubias, Daggett, Ellis, Goodman, Gwinn,

Halsted, Harville, Hayes, Hugg, Hundley, Johnson of Sierra, Lamar, Laspeyre, Lewis, Maxson, O'Connor, Pate, Smith of Nevada, Stevenson, Warner, Welty, and Williams—23.

The bill was further amended.

On its passage, Messrs, Lamar, Wescott, and Goodman, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Beach, Campbell, Conness, Covarrubias, Daggett, Ellis, Fairchild, Goodman, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, Lewis, Lovell, Maxson, O'Connor, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Warner, Welty, White, Williams, Wilson, and Yager—43.

Noes—Messrs. Gwinn, Phelps, and Wescott—3.

Mr. Hundley moved to reconsider the vote by which the bill passed.

Mr. Beach moved to indefinitely postpone the motion to reconsider.

Carried.

GENERAL FILE, RESUMED.

Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California.

Mr. Conness offered an amendment repealing the Registration Law.

Mr. Lawrence moved to strike out the enacting clause.

Mr. Smith of Nevada moved the previous question.

Sustained.

The motion of Mr. Lawrence was lost.

On the passage of the bill, Messrs. Stone, Lawrence, and Hayes, demanded the ayes and noes, and it was lost by the following vote:

Ayes—Messrs. Babcock, Beach, Campbell, Conness, Daggett, Ellis, Fairchild, Gwinn, Haliday, Howe, Hugg, Jenkins, Johnson of Amador, King, Lovell, Patten, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Stevenson, Theller, Warner, and Welty—23.

Noes—Messrs. Goodman, Halsted, Hammond, Harville, Hayes, Henry, Hundley, Johnson of Sierra, Kungle, Lamar, Laspeyre, Lawrence, Lewis, Makins, Maxson, O'Connor, Pate, Rogers of San Francisco, Shattuck, Starr, Stone, Swan, Tilton, Watson, White, Williams, Wilson, and Yager —28.

Mr. Johnson of Sierra, gave notice of reconsideration.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Department,
Sacramento, April 21, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 415, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 23, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 339, An Act to regulate Fees in Office in the County of Yuba;

Also, Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow and the Auditor to audit a Claim of Thomas C. Faris;

Also, Assembly Bill, No. 350, An Act to provide for the compensation of the Keepers of the County Jails in the Counties of Trinity, Napa, San Joaquin, Tehama, and Colusa, and the Payment for such Services from the first day of November, one thousand eight hundred and fifty-eight.

Also, Assembly Bill, No. 319, An Act to authorize the sale of certain Real Estate by Guardians;

Also, Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof;

Also, Assembly Bill, No. 291, An Act to provide for the settlement of all Claims against the State of California arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract and the Surrender of the State Prison to the State;

Assembly Bill, No. 166, An Act to provide for the better maintenance of the Indigent Sick of Calaveras County.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 24, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved substitute for Assembly Bill, No. 97, An Act supplemental to "An Act approved April twenty-third, one thousand eight hundred and fifty-seven, to provide Revenue for the support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills and other matter;" also, "An Act to amend section one of an Act entitled 'An Act to provide revenue for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills and other matter,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

JOHN G. DOWNEY,
Governor.

COMMUNICATIONS FROM THE BOARD OF EXAMINERS.

The following communications was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 23, 1860.

To the Honorable the Assembly of California:

I herewith transmit to your Honorable Body the following claim, which

has been passed upon by the Board of Examiners, together with the decision of the Board and the papers relating thereto:

Number of Claim.	Amount.
Claim No. 193, H. C. Kibbe, for.....	$175 00

JOHN G. DOWNEY,
President Board of Examiners.

OFFICE BOARD OF EXAMINERS,
Sacramento, April 11, 1860.

To the Honorable the Assembly of California:

I herewith transmit to your Honorable Body the following claim, which has been passed upon by the Board of Examiners, together with papers and decision of the Board, viz:

Claim.	Amount.
Claim No. 189, of J. F. McCauley, for.....	$19,375 81

JOHN G. DOWNEY,
President Board of Examiners.

Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for paying certain Equitable Claims against the State of California, and to contract a Funded Debt for that purpose"—was read third time and passed.

Assembly Bill, No. 433, An Act prescribing the mode of appointing Auctioneers and defining their duties—was made Special Order for April twenty-fifth, at one o'clock, P. M.

Assembly Bill, No. 230, An Act relative to the Indians—was made Special Order for April twenty-fifth, at half past one o'clock, P. M.

Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine—was read second time.

Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors"—amendments adopted, read third time, and passed.

Mr. Welty made the following report:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Senate Bill, No. 318, An Act to provide for the conveyance of the Interest of the Minor Heirs of Wm. E. P. Hartnell, deceased, in and to certain Real Estate in the County of Sacramento, have had the same under consideration, and recommend its passage.

L. C. GOODMAN,
D. W. WELTY,
H. STARR,
R. B. ELLIS.

Bill above reported, read third time, and passed.
Also:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 107, have had the same under consideration, and report the same back with certain amendments, and recommend the passage of the bill as amended.

Amend as follows:

Strike out all after the enacting clause, and insert in the place thereof sections one to six, inclusive.

Also, amend the title of the bill so as to read as follows:

An Act to provide for the Collection of Delinquent Taxes for State and County Purposes in the County of Sacramento, for the year one thousand eight hundred and fifty-seven, also, for City purposes in the City of Sacramento for the same year.

D. W. WELTY,
HENRY STARR,
R. B. ELLIS,
L. C. GOODMAN.

Assembly Bill, No. 107, above reported—was taken up, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Swan, by leave, introduced a bill for An Act concerning School District, No. 4, of Suisun Township, in the County of Solano.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Hundley offered the following resolution:

Resolved, That the Assistant Sergeant-at-Arms, and the Paper Folder, Samuel Patek, be, and they are hereby, allowed the sum of one dollar a day from the commencement of the session, payable out of the Contingent Fund of the Assembly.

Mr. Harville moved to lay the resolution on the table.

Lost.

On the adoption of the resolution, Messrs. Beach, Harville, and Welty, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Babcock, Conness, Daggett, Ellis, Fairchild, Gwinn, Hayes, Henry, Howe, Hundley, Jenkins, Johnson of Sierra, Lamar, Lambert, Lawrence, Lewis, Phelps, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Starr, Swan, Theller, Watson, Williams, Wilson, and Yager—29.

NOES—Messrs. Beach, Campbell, Goodman, Haliday, Harville, King, Kungle, Laspeyre, Lovell, Makins, Maxson, O'Connor, Pate, Patten, Rogers of San Francisco, Shattuck, Stevenson, Stone, Warner, Welty, and White—21.

Mr. Howe gave notice of reconsideration.

Mr. Lamar offered the following resolution:

Resolved, That the Clerk, Assistant, and Minute Clerk, of the Assembly, be, and are hereby, allowed twenty days each, at their present per diem, to mark, label, and arrange, the papers belonging to the archives of the

Assembly for the eleventh session, and to settle up their accounts; also, to the Sergeant-at-Arms to settle up his accounts, and to collect the furniture in the different committee rooms, and turn the same over to the Secretary of State. Said per diem to be paid, at the close of the session, out of the Contingent Fund of the Assembly. And the Controller of State is hereby authorized and directed to draw his warrants in favor of said officers for the amounts respectively due them.

Mr. King moved to strike out "twenty" and insert "ten."
Carried.
The resolution as amended was adopted.

At five o'clock, P. M. on motion of Mr. Lambert, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 25, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Messrs. Bowman and Shannon, had indefinite leave of absence, Mr. Welty for three days, and Mr. McDermit for one day.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, April 24, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 333, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax.

J. R. BEARD,
Secretary of Senate.

Senate Bill, No. 333, above reported—read first and second times, rules suspended, read third time and passed.

SENATE CHAMBER,
Tuesday, April 24, 1860.

Mr. SPEAKER:—The Senate yesterday passed Senate Bill, No. 321, An Act in relation to the City and County of San Francisco;

Also, Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento and the several Acts amendatory and

supplementary thereto, to Incorporate the City and County of Sacramento,'" with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 321, above reported—read first time.

The Assembly concurred in second amendment to Assembly Bill, No. 117, above reported, and non-concurred in the other amendments.

SENATE CHAMBER,
Wednesday, April 25, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 181, An Act to audit and allow the Claim of B. F. Hastings;

Also, Assembly Bill, No. 202, An Act abolishing the Office of County Assessor, and establishing the Office of Township Assessor in the County of Calaveras;

Also, Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 488, An Act to provide for the Purchase of a Burial Place for the use of this State, and for other purposes therein specified;

Also, Assembly Bill, No. 474, An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to reissue certain Coupons of the Bonds of said County to Jesse N. Bolles;

Also, Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to restrict the Herding of Sheep in the Counties of Sonoma and Marin,'" approved April fifteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 340, An Act supplementary to an Act entitled "An Act to authorize the Location of the Town Site of Crescent City," approved February twelfth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 199, An Act for the Protection of Fisheries, with amendments;

Also, Senate Bill, No. 338, An Act to authorize the Board of Supervisors of the City and County of San Francisco to donate and convey a Site for the Institution to be erected for the Education and Care of the Indigent, Deaf, Dumb, and Blind, in the State of California;

Also, have refused to recede from Senate amendments to Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become Dry or Fordable at any Season of the Year throughout the State.

D. J. WILLIAMSON,
Ass't Secretary of Senate.

Senate Bills, Nos. 338 and 340, above reported—read first and second times, rules suspended, read third time and passed.

Senate Bill, No. 199, above reported—read first time.

The House appointed Messrs. Goodman, Johnson of Amador, and Camp-

bell, a Committee of Free Conference on the disagreeing vote on Assembly Bill, No. 203, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 181, above reported.

GENERAL FILE.

Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine.

Mr. Conness offered the following amendment:

Provided, That the whole amount so received by them shall not exceed the sum of five hundred dollars per annum.

Upon its adoption, Messrs. Conness, White, and Beach, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Conness, Fairchild, Gallagher, Goodman, Haliday, Harville, Lawrence, Makins, Malarin, Shattuck, Starr, Stevenson, Stone, Swan, Tilton, Warner, Watson, White, and Wilson—23.

NOES—Messrs. Babcock, Burson, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Gwinn, Halsted, Hammond, Hayes, Henry, Howe, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lewis, Lovell, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Smith of Nevada, Smith of Sutter, Theller, Walden, Wescott, Wilkins, Williams, Yancey, and Mr. Speaker—40.

On the passage of the bill, Messrs. Conness, Makins, and Harville, demanded the ayes and noes, and the bill passed by the following vote:

AYES—Messrs. Babcock, Burson, Campbell, Daggett, Ellis, Fairchild, Gwinn, Halsted, Hayes, Henry, Howe, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Malarin, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Shattuck, Smith of Nevada, Smith of Sutter, Stevenson, Swan, Theller, Walden, Warner, Wescott, Wilkins, Williams, Yager, Yancey, and Mr. Speaker—44.

NOES—Messrs. Bailey of Santa Clara, Beach, Conn, Conness, Coombs, Covarrubias, Dunlap, Gallagher, Goodman, Haliday, Hammond, Harville, Lewis, Makins, Starr, Stone, Tilton, Watson, White, and Wilson—20.

Assembly Bill, No. 340, An Act to enable the County of Placer, to Subscribe for Stock, to the Sacramento, Placer, and Nevada, Railroad—recommitted to the Placer Delegation, with instructions to report on tomorrow morning.

Mr. Lamar verbally reported, with amendments, Senate Bill, No. 320, An Act making Appropriations for the Support of the Civil Government of this State, for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive—considered in Committee of the Whole.

Mr. Henry in the Chair.

Committee amendments adopted, further amended, reported with amendments, and passage recommended, amendments adopted.

Mr. Tilton moved to strike out from the first section, "for rent of State-house, seven thousand two hundred dollars."

Upon which, Messrs. Johnson of Amador, Tilton, and Hugg, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Dunlap, Gallagher, Haliday, Halsted, Hayes, Howe, Hugg, Johnson of Amador, Kungle, Lambert, Lawrence, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Smith of Sutter, Stone, Swan, Theller, Tilton, Walden, Wescott, White, Williams, and Wilson—34.

NOES—Messrs. Beach, Conn, Conness, Coombs, Covarrubias, Daggett, Ellis, Fairchild, Goodman, Gwinn, Hammond, Harville, Hundley, Jenkins, King, Lamar, Laspeyre, Lewis, Lovell, Makins, O'Connor, Sawyer, Smith of Nevada, Starr, Stevenson, Warner, Watson, Wilkins, Yager, Yancey, and Mr. Speaker—31.

Mr. Stevenson moved to recommit the bill to a Special Committee of three, with instructions to amend by inserting the provision struck out.

Upon which, Messrs. Tilton, Theller, and Hugg, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Beach, Campbell, Conn, Conness, Coombs, Daggett, Ellis, Fairchild, Goodman, Gwinn, Hammond, Harville, Jenkins, King, Lewis, Lovell, Makins, O'Connor, Sawyer, Smith of Nevada, Starr, Stevenson, Warner, Wilkins, and Yancey—26.

NOES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Conn, Covarrubias, Dunlap, Gallagher, Haliday, Halsted, Hayes, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lawrence, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Smith of Sutter, Stone, Swan, Theller, Tilton, Walden, Watson, Wescott, White, Williams, Wilson, Yager, and Mr. Speaker—39.

Mr. Howe moved the previous question.

Sustained.

On the passage of the bill, Messrs. Conness, Johnson of Amador, and Conn, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Campbell, Conn, Coombs, Covarrubias, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Lovell, Makins, Maxson, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Starr, Stevenson, Stone, Swan, Tilton, Walden, Warner, Wescott, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—56.

NOES—Messrs. Conness, Watson, and Yancey—3.

Mr. Howe moved to suspend the rules to reconsider the vote by which the bill passed.

Mr. Williams moved to indefinitely postpone the motion to reconsider.
Carried.

Mr. Hayes moved to reconsider the vote by which the House on yesterday refused to pass Senate Bill, No. 290, An Act appropriating Money for the Completion of a Wagon Road over the Sierra Nevada.

Mr. Conness moved to postpone the motion to reconsider until Friday, April twenty-seventh, at ten minutes past twelve o'clock.

Upon which, Messrs. Williams, Harville, and Yancey, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Campbell, Conn, Conness, Coombs, Covarrubias, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Henry, Johnson of Sierra, King, Lamar, Patten, Sawyer, Schmidt, Smith of Sutter, Starr, Stevenson, Stone, Theller, Watson, and Yancey—24.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Gallagher, Haliday, Hammond, Harville, Hayes, Howe, Hugg, Hundley, Johnson of Amador, Kungle, Lambert, Laspeyre, Lewis, Makins, Maxson, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Swan, Tilton, Walden, Wescott, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—35.

Mr. Hugg moved the previous question.

Sustained.

On reconsidering the vote, Messrs. White, Fairchild, and Hayes, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Campbell, Conn, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Henry, Johnson of Sierra, King, Lamar, Patten, Sawyer, Schmidt, Smith of Sutter, Starr, Stevenson, Stone, Theller, Watson, and Yancey—25.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Gallagher, Haliday, Hammond, Harville, Hayes, Howe Hugg, Hundley, Johnson of Amador, Kungle, Lambert, Laspeyre, Lewis, Makins, Maxson, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Swan, Tilton, Walden, Wescott, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—36.

Senate Bill, No. 196, An Act to appropriate Money for the Relief of Destitute Females in San Francisco.

Mr. Conness demanded the previous question.

Sustained.

The bill read third time.

On its passage, Messrs. Jenkins, Beach, and Lambert, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Conn, Conness, Covarrubias, Daggett, Gallagher, Goodman, Halsted, Harville, Hayes, Henry, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Lovell, Makins, Maxson, O'Connor, Pate, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Theller, Tilton, Warner, Wescott, Yancey, and Mr. Speaker.

Noes—Messrs. Beach, Campbell, Coombs, Ellis, Gwinn, Hammond, Jenkins, Kungle, Lambert, Laspeyre, Lewis, O'Rear, Smith of Nevada, Stone, Walden, Watson, Wilkins, Williams, Wilson, and Yager—20.

Mr. Hayes gave notice of reconsideration.

Mr. Johnson of Sierra, moved to reconsider the vote by which the House on yesterday refused to pass Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California.

Mr. Conness moved to lay the motion on the table.

Mr. Tilton moved to indefinitely postpone the motion to reconsider, and demanded the previous question.

Sustained.

The motion of Mr. Conness was lost.

The motion of Mr. Tilton was lost.

On reconsidering the vote, Messrs. Lambert, Makins, and Jenkins, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Beach, Campbell, Daggett, Ellis, Gallagher, Gwinn, Haliday, Henry, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lovell, Maxson, Pate, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Stevenson, Theller, Walden, Warner, Watson, Wescott, Wilkins, and Yancey—30.

Noes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Dunlap, Halsted, Hammond, Harville, Hayes, Hundley, Kungle, Lamar, Lambert, Laspeyre, Lewis, Makins, O'Connor, O'Rear, Rogers of San Francisco, Shattuck, Starr, Stone, Swan, Tilton, White, Williams, Wilson, and Yager—27.

On the passage of the bill, Messrs. Lambert, Babcock, and Tilton, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Burson, Campbell, Conness, Coombs, Covarrubias, Daggett, Ellis, Gallagher, Gwinn, Haliday, Henry, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lovell, Maxson, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Stevenson, Theller, Walden, Warner, Watson, Wescott, and Yancey—32.

Noes—Messrs. Bailey of Santa Clara, Halsted, Hammond, Harville, Hayes, Hundley, Kungle, Lamar, Lambert, Laspeyre, Lewis, Makins, O'Connor, O'Rear, Rogers of San Francisco, Shattuck, Starr, Stone, Swan, Tilton, White, Wilkins, Wilson, and Yager—24.

Senate Bill, No. 186, An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States—considered in Committee of the Whole, reported, and passage recommended.

Mr. Johnson of Amador, moved a call of the House.

Lost.

Mr. Howe moved to indefinitely postpone the bill.

Mr. Conness moved the previous question.

Sustained.

On the indefinite postponement of the bill, Messrs. Beach, Smith of Nevada, and Henry, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Gallagher, Haliday, Hammond, Harville, Howe, Hugg, Johnson of Amador, Kungle, Lambert, Laspeyre, Pate, Phelps, Smith of Nevada, Stone, Walden, Wilson, and Yager—19.

Noes—Messrs. Babcock, Beach, Campbell, Conness, Coombs, Covarru-

bias, Daggett, Dunlap, Ellis, Goodman, Halsted, Henry, Hundley, Jenkins, Johnson of Sierra, King, Lamar, Lovell, Makins, Maxson, O'Connor, O'Rear, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Theller, Tilton, Warner, Watson, Wescott, and Yancey—38.

On the passage of the bill, Messrs. Rodgers of Tuolumne, Howe, and Yancey, demanded the ayes and noes, and the bill passed by the following vote:

Ayes—Messrs. Babcock, Beach, Burson, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Goodman, Halsted, Henry, Hundley, Jenkins, Johnson of Sierra, King, Kungle, Lamar, Lovell, Maxson, O'Connor, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Swan, Theller, Tilton, Walden, Warner, Watson, Wescott, and Yancey—38.

Noes—Messrs. Bailey of Santa Clara, Conn, Gallagher, Gwinn, Haliday, Hammond, Harville, Howe, Hugg, Johnson of Amador, Lambert, Laspeyre, Makins, Pate, Phelps, Smith of Nevada, Stevenson, Stone, Wilson, and Yager—20.

Mr. Johnson of Sierra gave notice of reconsideration.

Mr. King moved to suspend the rules to reconsider the vote at this time.

Upon which, Messrs. Howe, Smith of Nevada, and Kungle, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Babcock, Conness, Coombs, Covarrubias, Daggett, Goodman, Gwinn, Halsted, Henry, Jenkins, King, Lamar, Lovell, Maxson, O'Connor, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Theller, Tilton, Warner, Wescott, White, and Yancey—31.

Noes—Messrs. Bailey of Santa Clara, Burson, Campbell, Ellis, Gallagher, Haliday, Hammond, Harville, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Kungle, Lambert, Laspeyre, Lewis, Makins, Pate, Smith of Nevada, Stone, Walden, Wilson, and Yager—25.

Senate Bill, No. 307, An Act concerning the action of Libel—read second time.

Mr. Pate moved to refer the bill to the Judiciary Committee.

Mr. Conness moved the previous question.

Carried.

On the reference to the Judiciary Committee, Messrs. Pate, Lambert, and Kungle, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Gallagher, Goodman, Hundley, Kungle, Lambert, Lewis, O'Connor, Pate, Rogers of San Francisco, Shattuck, Starr, Tilton, Warner, and Yager—15.

Noes—Messrs. Babcock, Beach, Burson, Campbell, Conness, Coombs, Covarrubias, Daggett, Ellis, Gwinn, Haliday, Halsted, Hammond, Harville, Henry, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lovell, Makins, Maxson, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Stone, Swan, Theller, Wescott, Wilkins, Wilson, and Yancey—37.

And the bill was made the special order for ten minutes past eleven o'clock, A. M. to-morrow.

Mr. Conness moved that when the House adjourn this day, it adjourn to meet at nine o'clock to-morrow morning.

Assembly Bill, No. 230, An Act in relation to the Indians, special order for to-day—was ordered to be placed on the top of the file.

Senate Bill, No. 321, An Act in relation to the City and County of San Francisco—read second time and made special order for April twenty-six, at twelve o'clock, M.

On motion of Mr. Hundley, substitute for Assembly Bills, Nos. 324, 325, and 329, relative to swamp lands, was made special order for April twenty-six, at ten minutes past one o'clock.

At half-past one o'clock, on motion of Mr. Yancey, the House took a recess until half-past seven o'clock this evening.

EVENING SESSION,
April 25, 1860.

The House re-assembled at half past seven o'clock, P. M.

Roll called.

Quorum present.

REPORTS.

By Mr. Rogers of San Francisco:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, have examined the following accounts, and have found them correct, and recommend their payment, viz:

Purpose.	Amount.
Account of Z. Garwood, for rent of three Committee Rooms, for the month ending April 30, 1860	$50 00
Account of Sacramento Gas Company, for Gas for three Committee Rooms	5 20
Account of James Anthony & Co. for Daily and Weekly Unions, furnished members of the Assembly, from April 23 to 30, inclusive	29 33
Account of Geo. I. Lytle, for sundry Papers furnished members of the Assembly, to April 24, 1860	34 00
Total	$118 53

DANL. ROGERS,
Chairman.

Adopted.

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 459, An Act to define the Duties of Officers and Employés of the Assembly, establish their Pay, and to repeal all existing Laws in relation thereto;

Also, Assembly Bill, No. 458, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendocino.

JOHN DAGGETT,
Chairman.

By Mr. Stevenson:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Assembly Bill, No. 479, An Act to pay the Claim of H. C. Kibbe, have had the same under consideration, and herewith report the same back, with the recommendation that it pass;

Also, Assembly Bill, No. 484, An Act for the Relief of John K. Houk;

Also, Substitute for Senate Bill, No. 257, An Act to pay the Fees of Attorneys in certain Cases in which the State is interested; neither of the above claims have been before the Board of Examiners; we, therefore, respectfully report the same back, and recommend that they be referred to the Board of Examiners;

Also, the Claim of John F. McCauley, amounting to nineteen thousand three hundred and seventy-five dollars and eighty-seven cents, for beef furnished the State prison, we herewith return the claim, and recommend that it go in, and be accounted, as a part of the two hundred thousand dollars voted McCauley, a few days since, by the Legislature.

E. A. STEVENSON,
Chairman.

Mr. Beach offered the following resolution:

Resolved, That William G. Wood, the Minute Clerk of the Assembly, be allowed two dollars per day extra, from the commencement to the end of the session, payable out of the Contingent Fund of the Assembly.

Mr. Maxson offered the following amendment:

And R. K. Weston, the Assistant Clerk of the Assembly, is hereby allowed one dollar per day extra, from the commencement to the end of the present session, and the Controller is hereby directed to draw his warrant in favor of said Wood and Weston, for the same, payable out of the Contingent Fund of the Assembly.

Mr. Stevenson moved to lay the whole matter on the table.

Upon which, Messrs. White, Lawrence, and Stevenson, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Conn, Goodman, Haliday, Hammond, Howe, Lawrence, Lewis, O'Connor, Pate, Patten, Stevenson, Stone, Warner, White, Williams, and Mr. Speaker—17.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Halsted, Harville, Hayes, Henry, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lovell, Makins, Malarin, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shattuck, Starr, Tilton, Walden, Wescott, Wilson, and Yager—39.

Mr. Lamar moved the previous question.

Carried.

On the adoption of the resolution as amended, Messrs. White, Law-

rence, and Goodman, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Covarrubias, Daggett, Ellis, Fairchild, Gallagher, Gwinn, Halsted, Harville, Hayes, Hundley, Johnson of Amador, Johnson of Sierra, King, Lamar, Lambert, Lawrence, Maxson, O'Rear, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Starr, Tilton, Walden, Wescott, and Wilson—33.

NOES—Messrs. Bailey of Santa Clara, Conn, Dunlap, Goodman, Haliday, Hammond, Howe, Jenkins, Kungle, Laspeyre, Lewis, Lovell, Makins, O'Connor, Pate, Patten, Stevenson, Stone, Warner, White, Wilkins, Williams, and Mr. Speaker—22.

Mr. Lawrence gave notice of reconsideration.

Mr. Hundley moved to adjourn.

Lost.

Mr. Stevenson moved to reconsider the vote by which the House on yesterday adopted a resolution to pay the Assistant Sergeant-at-Arms and Paper-Folder extra compensation.

Mr. Howe moved the previous question.

Carried.

Messrs. Stevenson, Goodman, and Makins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Campbell, Daggett, Dunlap, Goodman, Gwinn, Haliday, Hammond, Harville, Howe, Johnson of Amador, Kungle, Lawrence, Lovell, Makins, Maxson, O'Connor, Patten, Rogers of San Francisco, Stevenson, Stone, Warner, Wescott, White, Wilkins, and Mr. Speaker—26.

NOES—Messrs. Babcock, Bailey of Tuolumne, Conness, Coombs, Covarrubias, Ellis, Fairchild, Hayes, Henry, Heston, Hundley, Jenkins, Johnson of Sierra, King, Lamar, Lambert, Lewis, O'Rear, Pate, Phelps, Rodgers of Tuolumne, Schmidt, Shattuck, Starr, Swan, Tilton, Walden, Williams, Wilson, and Yager—30.

SPECIAL ORDER.

Assembly Bill, No. 433, An Act prescribing the mode of appointing Auctioneers and defining their Duties, special order—was taken up.

Mr. White moved to adjourn.

Lost.

Mr. Conness moved the previous question.

Carried.

On the adoption of the substitute, Messrs. Pate, Walden, and Howe, demanded the ayes and noes, and the substitute was adopted by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Coombs, Covarrubias, Daggett, Dunlap, Fairchild, Goodman, Gwinn, Hammond, Harville, Hayes, Henry, Jenkins, Johnson of Amador, Johnson of Sierra, Laspeyre, Lovell, Maxson, O'Connor, Phelps, Rodgers of Tuolumne, Sawyer, Schmidt, Stevenson, Swan, Walden, Warner, Wescott, Wilkins, Williams, and Wilson—34.

NOES—Messrs. Beach, Conn, Haliday, Howe, King, Lawrence, Lewis,

O'Rear, Pate, Rogers of San Francisco, Shattuck, Starr, Tilton, and Mr. Speaker—14.

On ordering the bill engrossed, Messrs. Conn, Tilton, and ——, demanded the ayes and noes, and it was so ordered by the following vote:

AYES—Messrs. Babcock, Beach, Coombs, Covarrubias, Daggett, Dunlap, Fairchild, Goodman, Gwinn, Hammond, Hayes, Henry, Hundley, Johnson of Amador, Johnson of Sierra, Lambert, O'Connor, Rodgers of Tuolumne, Sawer, Schmidt, Swan, Walden, Wescott, Wilkins, Williams, and Wilson—26.

NOES—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Conn, Ellis, Haliday, Harville, Howe, Jenkins, King, Kungle, Laspeyre, Lawrence, Lewis, Lovell, O'Rear, Pate, Rogers of San Francisco, Shattuck, Starr, Stevenson, Tilton, Warner, and Mr. Speaker—24.

Mr. Bailey of Tuolumne, moved that the House adjourn.

Lost.

Mr. Lamar moved to take up the general file.

Lost.

Mr. Lawrence moved to adjourn.

Upon which, Messrs. Lawrence, Babcock, and Bailey of Tuolumne, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Tuolumne, Coombs, Covarrubias, Dunlap, Ellis, Haliday, Hammond, Howe, Hundley, Johnson of Amador, King, Kungle, Lawrence, Lewis, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Starr, Stevenson, Stone, Swan, Tilton, Walden, Warner, and Wilson—32.

NOES—Messrs. Babcock, Bailey of Santa Clara, Beach, Campbell, Conn, Conness, Daggett, Fairchild, Goodman, Harville, Hayes, Henry, Jenkins, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lovell, Maxson, O'Connor, Patten, Sawyer, Schmidt, Shattuck, Smith of Sutter, Theller, Wescott, Wilkins, Williams, and Mr. Speaker—35.

Mr. Patten made the following report:

Mr. SPEAKER:—Your Auditing Committee have examined copying done for Assembly and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Old Appendix	855	15 cts.	$128 75
For Printer, etc	900	10	90 00
Totals	1,755		$218 75

Your committee would recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum

of two hundred and eighteen dollars and seventy-five cents, payable out of the Copying Fund of the Assembly.

PATTEN,
For Committee.

Adopted.

Mr. Lawrence moved to adjourn.

Upon which. Messrs Conness, Babcock, and Wescott, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Covarrubias, Dunlap, Gwinn, Haliday, Hammond, Howe, Hundley, King, Kungle, Lawrence, Lewis, O'Rear, Pate, Patten, Phelps, Rodgers of Tuolume, Shattuck, Stevenson, Stone, Swan, Tilton, Walden, Warner, White, and Wilson—28.

Noes—Messrs. Babcock, Beach, Campbell, Conn, Conness, Coombs, Daggett, Ellis, Fairchild, Goodman, Harville, Hayes, Henry, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lovell, Maxson, O'Connor, Rogers of San Francisco, Sawyer, Schmidt, Smith of Sutter, Starr, Theller, Wescott, Wilkins, Williams, and Mr. Speaker—31.

Senate Bill, No. 322, An Act amendatory of "An Act to provide Revenue for the support of the Government of this State" so far as the County of Butte is concerned—was read third time and passed.

On motion of Mr. Conness, Assembly Bill, No. 433, was made special order for half past twelve o'clock to-morrow, and the Engrossing Committee directed to report at that time.

On motion of Mr. Kungle, at quarter past nine o'clock, P. M. the House adjourned.

IN ASSEMBLY.

House of Assembly,
Thursday, April 26, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Williams moved to correct the journal of yesterday in relation to the second reading of Senate Bill, No. 321.

Mr. Conness moved to lay the motion on the table.

Upon which, Messrs. Conness, Burson, and Wescott, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Babcock, Beach, Campbell, Conness, Daggett, Fairchild, Halsted, Hammond, Henry, Hugg, Jenkins, Lamar, Lewis, Lovell, Maxson, O'Rear, Patten, Schmidt, Stevenson, Stone, Theller, Walden, and Wescott—23.

Noes—Messrs. Bailey of Santa Clara, Burson, Conn, Goodman, Haliday, Harville, Hayes, Howe, Hundley, Johnson of Amador, King, Kungle, Lambert, Laspeyre, Lawrence, Makins, O'Connor, Phelps, Rogers of

San Francisco, Shattuck, Starr, Swan, Tilton, Warner, Williams, Wilson, Yager, and Mr. Speaker—29.

Mr. Conness moved to make the motion of Mr. Williams the Special Order for to-day, at one o'clock, P. M.

Mr. Howe moved the previous question.

Mr. Conness moved a call of the House.

Upon which, Messrs. Conness, Daggett, and Stevenson, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Babcock, Beach, Campbell, Conness, Daggett, Fairchild, Gwinn, Halsted, Henry, Hugg, Jenkins, Lovell, Patten, Schmidt, Stevenson, Theller, Walden, Wescott, and Yancey—19.

NOES—Messrs. Bailey of Santa Clara, Burson, Conn, Ellis, Haliday, Hammond, Harville, Hayes, Howe, Hundley, Johnson of Amador, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, Maxson, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Sutter, Starr, Stone, Swan, Tilton, Warner, Williams, Wilson, Yager, and Mr. Speaker—33.

The Chair ruled that it was not in order, under the Standing Rules, to read a bill twice on the same day unless by unanimous consentof the House.

Mr. Conness appealed.

On the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Conness, Babcock, and Fairchild, demanded the ayes and noes, and the Chair was sustained by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Covarrubias, Ellis, Goodman, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, Maxson, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Sutter, Starr, Stevenson, Stone, Swan, Tilton, Walden, Warner, Wescott, White, Williams, Wilson, Yager, and Yancey—47.

NOES—Messrs. Babcock, Conness, Daggett, Fairchild, and Theller—5.

On the motion demanding the previous question, Messrs. Conness, Daggett, and Wescott, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Beach, Burson, Campbell, Conn, Covarrubias, Ellis, Goodman, Haliday, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, King, Lambert, Laspeyre, Lawrence, Lewis, Makins, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stone, Swan, Tilton, Wescott, White, Wilson, and Mr. Speaker—37.

NOES—Messrs. Conness, Daggett, Fairchild, Gwinn, Halsted, Jenkins, Johnson of Amador, Kungle, Lamar, Lovell, Maxson, O'Connor, Patten, Rodgers of Tuolumne, Schmidt, Stevenson, Theller, Walden, Williams, Yager, and Yancey—21.

On making the motion the special order, Messrs. Conness, Wescott, and

Daggett, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Babcock, Beach, Campbell, Conness, Daggett, Fairchild, Goodman, Gwinn, Halsted, Henry, Hugg, Jenkins, Lamar, Lovell, Maxson, O'Connor, Patten, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Stevenson, Theller, Walden, Warner, Wescott, and Yancey—26.

NOES—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Ellis, Haliday, Hammond, Harville, Hayes, Howe, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stone, Swan, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—34.

Mr. Conness moved a call of the House.

Declared out of order.

Mr. Conness appealed.

The Chair was sustained.

On the motion of Mr. Williams, to correct the Journal, Messrs. Conness, Daggett, and Henry, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Haliday, Hammond, Harville, Hayes, Howe, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—32.

NOES—Messrs. Babcock, Beach, Campbell, Conness, Daggett, Ellis, Fairchild, Goodman, Gwinn, Halsted, Henry, Hugg, Jenkins, Johnson of Amador, Lamar, Lovell, Maxson, Patten, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Wescott, and Yancey—28.

Mr. McDermit had one day leave of absence, and Mr. Watson three days.

Mr. Babcock made the following report:

Mr. SPEAKER:—The Committee on Internal Improvements, to whom was referred the communication of the Governor, in relation to the matter of printing the proceedings of the railroad convention, have had the same under consideration, and beg leave to report:

That the proceedings of the convention, important in themselves, derive additional interest from the fact that the convention was held by the order, and under the auspices, of the Legislature. In this unusual action we have already given the strongest evidence of the deep interest we take in the completion of the great work which is so necessary to bring us into safe and easy communication with our sister States, to whom we are equally bound by the ties of affection and the bonds of interest. This evidence of our zeal has already given a new impulse to the cause in the Congress of the United States. Let us not appear to have relaxed in our exertions to bring about the great result to which our constituents are looking with longing eyes.

Your committee have reason to believe that among the proceedings of this convention are to be found statistics of the most valuable character, and arguments, demonstrating beyond the possibility of a doubt, the feasibility of the project. They cannot but think that the dissemination of

this information is calculated to throw great light upon the subject, and do much to quicken the completion of the road.

They therefore recommend to your adoption, the following resolution:

Resolved, By the Assembly, the Senate concurring, that five thousand copies of the proceedings of the Pacific Railroad Convention, convened under a Concurrent Resolution passed at the Tenth Session of the California Legislature, as shown by the accompanying schedule, be ordered printed, and three thousand copies be delivered to the Executive Committee of said convention, for gratuitous distribution, and two thousand copies for the use of the Members of the Legislature.

JASPER BABCOCK,
Chairman.

Accepted.

Mr. White moved to indefinitely postpone the resolution.

Mr. Howe moved the previous question.

Sustained.

On the indefinite postponement of the resolution, Messrs. Babcock, Theller, and Rogers of San Francisco, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Burson, Campbell, Conness, Ellis, Goodman, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, King, Kungle, Lambert, Laspeyre, Lewis, Maxson, O'Connor, Patten, Phelps, Shattuck, Smith of Nevada, Stevenson, Stone, White, Wilson, Yancey, and Mr. Speaker—33.

NOES—Messrs. Babcock, Daggett, Fairchild, Johnson of Amador, Johnson of Sierra, Lawrence, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Smith of Sutter, Starr, Swan, Theller, Tilton, Walden, Warner, Williams, and Yager—19.

Mr. Lawrence moved to reconsider the vote, by which the House on yesterday, adopted the resolution allowing the Assistant Clerk, and Minute Clerk, additional compensation.

Mr. Walden moved the previous question.

Sustained.

On the motion to reconsider, Messrs. Beach, Lawrence, and Patten, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Goodman, Hammond, Hugg, Lawrence, Lewis, Lovell, Makins, O'Connor, Patten, Stone, Warner, and Mr. Speaker—13.

NOES—Messrs. Babcock, Beach, Burson, Campbell, Conn, Covarrubias, Daggett, Ellis, Fairchild, Halsted, Harville, Hayes, Hundley, Lamar, Lambert, Laspeyre, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Rogers of Tuolumne, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Swan, Theller, Tilton, Walden, Wescott, Yager, and Yancey—35.

Mr. Ellis, by leave, introduced a bill for An Act amendatory of an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento,'" and the several acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

Mr. Beach made the following report:

Mr. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, substitute for Assembly Bill, No. 433, An Act to provide for the Appointment and Licensing of Auctioneers, and defining their Duties and Liabilities.

BEACH,
Chairman.

Mr. Johnson of Sierra, moved to reconsider the vote, by which the House on yesterday, passed Senate Bill, No. 186, An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States.

Mr. Maxson moved to indefinitely postpone the motion to reconsider.

Upon which, Messrs. Hugg, Kungle, and Harville, demanded the ayes and noes, and the motion to indefinitely postpone prevailed by the following vote:

AYES—Messrs. Babcock, Beach, Conness, Covarrubias, Daggett, Ellis, Fairchild, Gwinn, Halsted, Henry, Jenkins, Johnson of Sierra, King, Lewis, Lovell, Maxson, O'Connor, O'Rear, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Sutter, Swan, Theller, Tilton, Walden, Warner, Williams, and Yancey—30.

NOES—Messrs. Bailey of Santa Clara, Campbell, Conn, Haliday, Harville, Hayes, Howe, Hugg, Hundley, Johnson of Amador, Kungle, Lawrence, Makins, Pate, Phelps, Smith of Nevada, Stone, White, Wilson, Yager, and Mr. Speaker—22.

Mr. Hayes moved to reconsider the vote by which the House on yesterday, passed Senate bill, No. 196, An Act to appropriate Money for the Relief of Destitute Females in San Francisco.

Mr. Tilton moved to indefinitely postpone the motion to reconsider.

Upon which, Messrs. Tilton, Schmidt, and Babcock, demanded the ayes and noes, and the motion to reconsider was indefinitely postponed by the following vote:

AYES—Messrs. Babcock, Beach, Conn, Conness, Covarrubias, Daggett, Dunlap, Fairchild, Goodman, Halsted, Harville, Henry, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, King, Lamar, Laspeyre, Lawrence, O'Connor, O'Rear, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Sutter, Starr, Swan, Theller, Tilton, Warner, Wescott, and Yancey—37.

NOES—Messrs. Bailey of Santa Clara, Burson, Campbell, Ellis, Gwinn, Haliday, Hayes, Howe, Jenkins, Kungle, Lewis, Patten, Smith of Nevada, Stone, Walden, White, Williams, Wilson, and Yager—19.

Assembly Bill, No. 230, An Act in relation to Indians—amendments adopted, rules suspended, bill considered engrossed, and read third time.

On its passage, Messrs. Hundley, Conness, and Wescott, demanded the ayes and noes, and the bill passed by the following vote:

AYES—Messrs. Babcock, Bailey of Santa Clara, Burson, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Haliday, Halsted, Harville,

Henry, Howe, Lamar, Lambert, Laspeyre, Lawrence, Lovell, Makins, Maxson, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Smith of Nevada, Starr, Stevenson, Stone, Swan, Theller, Tilton, Walden, Warner, Wescott, Yager, and Yancey—38.

Noes—Messrs. Beach, Campbell, Conn, Conness, Hammond, Hugg, Hundley, Jenkins, Lewis, O'Connor, Smith of Sutter, Williams, Wilson, and Mr. Speaker—14.

Assembly Bill, No. 486, An Act for the Relief of A. J. F. Phelan—rules suspended, considered engrossed, read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Wednesday, April 25, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 173, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their Compensation, for the County of Eldorado;

Also, Senate Joint Resolution, No. 54, Relative to leave of absence to A. J. Moulder, Superintendent of Public Instruction.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 173, above reported.

Senate Joint Resolution, No. 54, above reported—read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Wednesday, April 25, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 324, An Act supplementary and additional to "An Act to Incorporate the City of Nevada," passed April nineteenth, one thousand eight hundred and fifty-six;

Also, Senate Bill, No. 302, An Act to amend an Act entitled "An Act authorizing the Construction of a Telegraphic Line from the City of Los Angeles," approved March eighteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 223, An Act for the Relief of the Heirs of Pierre Maurin, deceased;

Also, Assembly Bill, No. 462, An Act recommending to the Electors of the State to vote for or against calling a Convention to revise and change the Constitution of the State;

Also, Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners and the Office of Overseers in each Township of the several Counties of this State, to regulate Water-Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 223, above reported—read first and second times, cor-

sidered in Committee of the Whole, reported and recommended, rules suspended, read third time, and passed.

Senate Bills, Nos. 302 and 324, above reported—read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
Thursday, April 26, 1860.

Mr. SPEAKER:—The Senate this day concurred in Assembly amendments to Senate Bill, No. 275, An Act to audit and allow the Claim of E. Williamson and Company;

Also, Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the relief of Insolvent Debtors and protection of Creditors;"

Also, Senate Bill, No. 142, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Funding and Payment of the outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six;

Also, Senate Bill, No. 145, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 341, An Act concerning certain School Property in the City of Sacramento;

Also, concurred in Assembly amendments to Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California.

DAVID J. WILLIAMSON,
Assistant Secretary.

Assembly Bill, No. 341, above reported—read first and second times, and referred to the Sacramento Delegation.

SENATE CHAMBER,
Thursday, April 26, 1860.

Mr. SPEAKER:—The Senate this day refused to concur in Assembly amendments to Senate Bill, No. 320, An Act making appropriations for the Support of the Civil Government of this State, for the Twelfth Fiscal Year, commencing on the first day of July, one thousand eight hundred and sixty, and ending on the thirtieth day of June, one thousand eight hundred and sixty-one, and have appointed Messrs. Merritt, Sharp, and Chase, a Committee of Free Conference, and ask for a similar committee on the part of the House;

Also, on yesterday passed Assembly Bill, No. 413, An Act to provide for the issuance and payment of Bonds for expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The Speaker appointed Messrs. Conness, Lamar, and Williams, a Committee of Free Conference on Senate Bill, No. 320, above reported.

Assembly Bill, No. 413, above reported—was taken up.

Mr. Conness moved the previous question.

Sustained.

On concurring in Senate amendments to the bill, Messrs. Hundley, Hayes, and Campbell, demanded the ayes and noes, and the amendments were concurred in by the following vote:

Ayes—Messrs. Babcock, Beach, Burson, Covarrubias, Daggett, Dunlap, Ellis, Gwinn, Halsted, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Lawrence, Lovell, Maxson, McDermit, O'Connor, Patten, Phelps, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Tilton, Walden, Warner, Wescott, Wilkins, and Yancey—32.

Noes—Messrs. Bailey of Santa Clara, Campbell, Conn, Goodman, Haliday, Hammond, Harville, Hayes, Hugg, Hundley, Jenkins, King, Kungle, Laspeyre, Lewis, Makins, O'Rear, Pate, Shattuck, Smith of Nevada, Starr, Williams, Wilson, Yager, and Mr. Speaker—27.

The resolution offered by Mr. Conness, on the twenty-fourth instant, relative to the time to be allowed members to speak, was taken up.

Mr. Johnson of Sierra moved the previous question.

Sustained.

Resolution adopted.

SPECIAL ORDER.

Senate Bill, No. 307, An Act concerning the Action of Libel, one of the special orders of this day, was taken up.

Mr. Pate offered the following amendment:

Strike out and insert the following: "The action may be brought in any county in which either the plaintiffs or defendants reside."

Mr. Stevenson moved the previous question.

Upon which Messrs. Tilton, Pate, and Rogers of San Francisco, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Beach, Campbell, Conness, Daggett, Dunlap, Ellis, Haliday, Halsted, Hammond, Henry, Hugg, Jenkins, Johnson of Sierra, Lamar, Lovell, Makins, O'Connor, Patten, Sawyer, Schmidt, Stevenson, Stone, Theller, Wescott, White, Wilkins, and Yancey—28.

Noes—Messrs. Bailey of Santa Clara, Covarrubias, Gallagher, Goodman, Gwinn, Harville, Hundley, Johnson of Amador, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Maxson, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Tilton, Warner, Williams, Wilson, Yager, and Mr. Speaker—29.

Mr. Sawyer moved the previous question.

Upon which, Messrs. Pate, Rogers of San Francisco, and Sawyer, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Hammond, Hayes, Henry, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, Lamar, Lovell, Makins, O'Connor, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Swan, Theller, Walden, Wescott, White, Wilkins, Yager, and Yancey—41.

Noes—Messrs. Conn, Harville, Johnson of Amador, King, Kungle, Lambert, Lawrence, Lewis, Maxson, McDermit, O'Rear, Pate, Phelps,

Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Tilton, Warner, Wilson, and Mr. Speaker—21.

On the adoption of the amendment offered by Mr. Pate, Messrs. Pate, Kungle, and Tilton, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Conn, Harville, Howe, Hundley, Johnson of Amador, King, Kungle, Lamar, Lambert, Lawrence, Lewis, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—28.

Noes—Messrs. Babcock, Bailey of Santa Clara, Beach, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Gwinn, Haliday, Halsted, Hammond, Henry, Hugg, Jenkins, Johnson of Sierra, Lovell, Makins, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Wescott, and Yancey—35.

On the passage of the bill, Messrs. Pate, Tilton, and Rogers of San Francisco, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Beach, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Goodman, Gwinn, Haliday, Halsted, Henry, Howe, Hugg, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Wescott, and Yancey—35.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Conn, Gallagher, Hammond, Harville, Hayes, Hundley, Johnson of Amador, King, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Tilton, Warner, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—30.

Assembly Bill, No. 388, An Act to repeal all Acts and parts of Acts, amendatory of, and supplementary to, an Act entitled "An Act to Establish a Standard of Weights and Measures," passed March thirtieth, one thousand eight hundred and fifty.

Mr. White moved to amend, by adding Trinity, Shasta, Sutter, and Siskiyou.

Adopted.

On ordering the bill engrossed, Messrs. Lawrence, Johnson of Amador, and Tilton, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Conness, Dunlap, Ellis, Fairchild, Goodman, Haliday, Halsted, Howe, Hugg, Johnson of Amador, Johnson of Sierra, Lawrence, Lovell, Makins, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Smith of Sutter, Starr, Stone, Swan, Tilton, White, Yager, and Yancey—27.

Noes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Campbell, Conn, Coombs, Gwinn, Hammond, Harville, Hayes, Hundley, Jenkins, King, Kungle, Lamar, Lambert, Lewis, Phelps, Rogers of San

Francisco, Sawyer, Shattuck, Smith of Nevada, Stevenson, Theller, Walden, Warner, Wilkins, Williams, and Wilson—29.

Mr. Tilton moved to adjourn.

Upon which, Messrs. Conness, Theller, and Yancey, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Harville, Howe, Kungle, O'Rear, Pate, Patten, Phelps, Shattuck, Smith of Nevada, Stone, Tilton, Warner, Wilkins, and Williams—16.

Noes—Messrs. Babcock, Beach, Campbell, Conness, Coombs, Covarrubias, Dunlap, Ellis, Fairchild, Goodman, Haliday, Hammond, Hayes, Henry, Hugg, Hundley, Jenkins, King, Lamar, Lambert, Laspeyre, Lovell, Makins, Maxson, McDermit, O'Connor, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Starr, Stevenson, Swan, Theller, Walden, Wescott, Wilson, Yager, Yancey, and Mr. Speaker—41.

Mr. Lamar moved to take up special order, being Senate Bill, No. 321, An Act in relation to the City and County of San Francisco.

The Speaker decided that, under the ruling of the House this day, the motion was not in order.

Mr. Conness appealed from the decision of the Chair.

Upon which, Messrs. Conness, Sawyer, and Rogers of San Francisco, demanded the ayes and noes, and the decision of the Chair was sustained by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Beach, Campbell, Conn, Covarrubias, Ellis, Gallagher, Haliday, Hammond, Harville, Hayes, Howe, Hundley, Jenkins, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, Maxson, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stevenson, Stone, Swan, Tilton, Walden, Warner, White, Williams, Wilson, and Yager—39.

Noes—Messrs. Babcock, Conness, Daggett, Dunlap, Fairchild, Gwinn, Henry, Hugg, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Rodgers of Tuolumne, Sawyer, Schmidt, Theller, Wescott, and Yancey—19.

Mr. Tilton moved that the House adjourn to nine o'clock to-morrow morning.

Upon which, Messrs. Tilton, Lamar, and Haliday, demanded the ayes and noes, with the following result:

Ayes—Messrs. Bailey of Tuolumne, Beach, Campbell, Conn, Coombs, Gallagher, Gwinn, Hammond, Harville, Hayes, Jenkins, Kungle, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, Tilton, Walden, Warner, White, Williams, and Mr. Speaker—31.

Noes—Messrs. Babcock, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Haliday, Henry, Howe, Hugg, Hundley, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lovell, Maxson, O'Connor, Patten, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Wescott, Wilson, Yager, and Yancey—30.

So at half past one o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 27, 1860.

The House met pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
The roll was called.
Quorum present.
The Journal of yesterday was read and approved.
Mr. Howe moved to suspend the rules to restore the order of business, as provided in the Standing Rules and Orders of the House.
The Speaker *pro tem.* decided that a Standing Rule of the House might be suspended for the day by a two-third vote of the House.
Mr. Hundley appealed from the decision of the Chair.
On the appeal, Messrs. Williams, Hundley, and Lawrence, demanded the ayes and noes, and the Chair was sustained by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Ellis, Gallagher, Goodman, Haliday, Halsted, Hammond, Harville, Hayes, Henry, Howe, Hugg, Jenkins, Johnson of Amador, King, Lamar, Laspeyre, Lovell, Makins, Maxson, O'Connor, O'Rear, Pate, Patten, Rogers of San Francisco, Sawyer, Schmidt, Starr, Stone, Theller, Walden, Wilkins, and Wilson—37.
NOES—Messrs. Bailey of Santa Clara, Burson, Fairchild, Hundley, Kungle, Lambert, Lawrence, McDermit, Phelps, Shattuck, Smith of Sutter, Swan, Tilton, Wescott, and Williams—15.

On suspending the rules, Messrs. Williams, Hundley, and Lamar, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Conness, Daggett, Dunlap, Goodman, Haliday, Halsted, Henry, Howe, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Sawyer, Schmidt, Stone, Theller, and Walden—23.
NOES—Messrs. Bailey of Santa Clara, Beach, Burson, Campbell, Conn, Ellis, Fairchild, Gallagher, Hammond, Harville, Hayes, Hugg, Hundley, Jenkins, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Sutter, Starr, Stevenson, Swan, Tilton, Warner, Wescott, White, Wilkins, Williams, Wilson, and Yager—37.

GENERAL FILE.

Assembly Bill, No. 404, An Act granting appeals from the Board of Supervisors to the County Court in Contra Costa County—was read third time and passed.
Assembly Bill, No. 286, An Act to abate public nuisances.
Mr. Tilton moved to indefinitely postpone the bill.
Mr. Conness moved the previous question.
Sustained.
Bill read third time.
On its passage, Messrs. Beach, Harville, and Goodman, demanded the ayes and noes, and the bill passed by the following vote:

AYES—Messrs. Babcock, Beach, Campbell, Conn, Conness, Ellis, Fair-

child, Goodman, Halsted, Hammond, Harville, Hugg, Hundley, Jenkins, Johnson of Amador, King, Lovell, Makins, Maxson, McDermit, OConnor, Patten, Schmidt, Smith of Sutter, Stevenson, Swan, Wescott, White, Williams, Wilson, and Yager—31.

Noes—Messrs. Bailey of Santa Clara, Daggett, Dunlap, Gallagher, Haliday, Hayes, Howe, Johnson of Sierra, Kungle, Lamar, Lambert, Laspeyre, O'Rear, Pate, Phelps, Rogers of San Francisco, Sawyer, Shattuck, Starr, Stone, Theller, and Tilton—22.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. Speaker:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 413, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

JOHN DAGGETT,
Chairman.

By Mr. Beach:

Mr. Speaker:—The Committee on Engrossment have examined the following bill and found it correctly engrossed:

Assembly Bill, No. 230, An Act in relation to the Indians.

D. SEYMOUR BEACH,
Chairman.

Senate Bill, No. 311, An Act to appropriate Money for the Payment of certain Claims—was considered in Committee of the Whole, reported and recommended, read third time and passed.

By Mr. Harville:

Mr. Speaker:—A majority of the Placer Delegation, to whom was referred Assembly Bill, No. 340, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, report the same back to the House, and respectfully recommend that the substitute offered by the Committee on Corporations be not adopted, and that the original bill do pass.

J. W. HARVILLE,
JAMES N. MAKINS,
D. S. BEACH.

By Mr. Lovell:

Mr. Speaker:—The undersigned, a minority of the delegation from Placer, herewith report the annexed amendments to the substitute proposed to Assembly Bill, No. 340, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, and recommend the passage of the substitute when so amended.

S. W. LOVELL.

The substitute above reported was adopted as amended, the rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 490, An Act to appropriate Money for the Payment of D. H. Whipley—was considered in Committee of the Whole, reported

and recommended, rules suspended, considered engrossed, read third time and passed.

Mr. Lawrence, by leave, introduced a bill for An Act declaring the Streets and Alleys in the Town of Red Bluff, Public Highways.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, April 27, 1860.

Mr. SPEAKER:—The Senate on yesterday refused to recede from their amendments to Assembly Bill, No 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento,'" and have appointed Messrs. Clark, Redman, and Ryan, a Committee of Free Conference on part of the Senate, and ask for a similar committee on part of the House.

D. J. WILLIAMSON,
Assistant Secretary.

The House appointed Messrs. Conness, Ellis, and Goodman, a Committee of Free Conference on the disagreeing vote on Assembly Bill, No. 117, above reported.

GENERAL FILE, RESUMED.

Assembly Bill, No. 487, An Act to appropriate Money to pay the Claim of J. S. Love—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, and read a third time.

On its passage, Messrs. Hundley, Hayes, and Burson, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs, Babcock, Beach, Burson, Campbell, Conn, Conness, Covarrubias, Daggett, Ellis, Fairchild, Halsted, Henry, Hundley, Jenkins, Johnson of Sierra, Lamar, Smith of Nevada, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Wescott, White, Wilkins, and Yager—27.

NOES—Messrs. Bailey of Santa Clara, Dunlap, Goodman, Haliday, Hammond, Harville, Hayes, Howe, Hugg, Johnson of Amador, King, Kungle, Lambert, Lewis, Makins, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Shattuck, Swan, Tilton, and Williams —26.

Senate Bill, No. 330, An Act relative to the Board of Supervisors of Sonoma County—was read third time and passed.

Assembly Bill, No. 445, An Act concerning Landlord and Tenant—was referred to the Judiciary Committee.

Assembly Bill, No. 288, An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies"—amendments adopted.

Mr. Lambert moved the previous question.

Sustained.

On ordering the bill engrossed, Messrs. Harville, Conness, and White, demanded the ayes and noes, and it was so ordered by the following vote:

Ayes—Messrs. Babcock, Beach, Burson, Campbell, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Hayes, Heston, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lewis, Lovell, Makins, Maxson, McDermit, O'Rear, Pate, Rogers of San Francisco, Smith of Nevada, Smith of Sutter, Starr, Swan, Theller, Tilton, Walden, Wescott, and Yager—34.

Noes—Messrs. Bailey of Santa Clara, Conness, Halsted, Harville, O'Connor, Schmidt, Stevenson, Stone, White, and Williams—11.

Assembly Bill, No. 180, An Act for the Relief of William H. Brown, was indefinitely postponed;

Also, Assembly Bill, No. 451, An Act for securing Liens to Journeymen Printers, was indefinitely postponed;

Also, Assembly Bill, No. 434, An Act supplemental to an Act entitled "An Act to provide for the formation of Corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, was indefinitely postponed;

Also, Assembly Bill, No. 358, An Act to provide for the payment of Bounties for the Destruction of Wild Animals, was indefinitely postponed;

Also, Assembly Bill, No. 444, An Act to make valid, effectual, and recordable, Conveyances of Real Estate executed by a Person or Persons as Attorney or Attorneys in fact of a Husband and Wife, was indefinitely postponed;

Also, Assembly Bill, No. 450, An Act to prevent Estray Stock from crossing Toll-Bridges in this State, was indefinitely postponed;

Also, Senate Bill, No. 221, An Act to audit and allow the Claim of J. J. Lecount, was indefinitely postponed;

Also, Assembly Bill, No. 455, An Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, "Concerning Crimes and Punishments," and the Acts amendatory thereof, was indefinitely postponed;

Also, Senate Bill, No. 309, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax for the construction of a Wagon Road, was indefinitely postponed.

Assembly Bill, No. 481, An Act to appropriate Money to Parties therein named—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 260, An Act to amend "An Act to regulate the Settlement of the Estates of deceased Persons," passed May first, one thousand eight hundred and fifty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 420, An Act to grant the Right of Way, and to authorize certain Persons therein named to lay down and maintain a Railway Track within the Limits of the City and County of San Francisco, and to run Cars thereon.

Mr. Conness moved to strike out the enacting clause.

Mr. Hugg moved the previous question.

On striking out, Messrs. Pate, Schmidt, and Babcock, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Babcock, Beach, Campbell, Covarrubias, Fairchild, Goodman, Haliday, Halsted, Heston, Hugg, Jenkins, Johnson of Amador, Lamar, Lambert, Makins, Maxson, O'Connor, O'Rear, Rogers of San Francisco, Schmidt, Shattuck, Stevenson, Stone, Swan, Warner, and Wescott —26.

NOES—Messrs. Bailey of Santa Clara, Burson, Daggett, Ellis, Gwinn, Harville, Hayes, Henry, Howe, Kungle, Pate, Patten, Phelps, Smith of Nevada, Smith of Sutter, Theller, Tilton, Walden, Williams, and Yager —20.

The House refused to order engrossed Assembly Bill, No. 452, An Act to exempt the Property of Morning Star Lodge, of the I. O. of O. F. of Placerville, from taxation.

Senate Bill, No. 288, An Act amendatory of an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-three, approved April fourteenth, one thousand eight hundred and fifty-eight.

On the indefinite postponement of the bill, Messrs. Kungle, Howe, and Harville, demanded the ayes and noes, and the bill was indefinitely postponed by the following vote:

AYES—Messrs. Babcock, Burson, Campbell, Covarrubias, Daggett, Ellis, Fairchild, Haliday, Hammond, Hayes, Henry, Hugg, Hundley, Lamar, Lambert, Lewis, Lovell, O'Rear, Pate, Rogers of San Francisco, Schmidt, Smith of Nevada, Smith of Sutter, Stevenson, Swan, Theller, Tilton, Walden, Wescott, and Williams—30.

NOES—Messrs. Bailey of Santa Clara, Beach, Conness, Dunlap, Goodman, Halsted, Harville, Howe, Jenkins, Kungle, Makins, Maxson, O'Connor, Phelps, Shattuck, and Stone—16.

Assembly Bill, No. 479, An Act to Pay the Claim of H. C. Kibbe—considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 257, An Act to Pay the Fees of Attorneys in certain cases in which the State is interested—considered in Committee of the Whole, reported and recommended, read third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 27, 1860.

MR. SPEAKER:—The Senate this day, passed Senate Bill, No. 336, An Act to provide for Paying certain Equitable Claims against the State of California, and to contract a Debt for that purpose;

Also, Assembly Bill, No. 182, An Act amendatory of "An Act to define the Boundaries, and provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and fifty-nine.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 336, above reported—read first and second times, and made the Special Order for April twenty-eighth, at ten minutes past eleven, A. M.

SENATE CHAMBER,
Friday, April 27, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnett;

Also, Assembly Bill, No. 304, An Act to Regulate the Salary of the County Judge of Mariposa County;

Also, have concurred in Assembly amendments to Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State.

DAVID J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Friday, April 27, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 327, An Act Appropriating Money to Complete certain Wells on the Colorado Desert.

DAVID J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 327, above reported—read first and second times, rules suspended, read third time and passed.

Assembly Bill, No. 345, An Act to amend the fifth section of "An Act to provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-nine—ordered engrossed.

Senate Bill, No. 199, An Act for the Protection of Fisheries—was read second time and placed on top of file.

REPORTS.

Reports were made as follows:

By Mr. Williams:

Verbally reporting and recommending passage of Assembly Bill, No. 432, An Act concerning District Court Reporters, for the Fourth, Sixth, and Twelfth, Judicial Districts;

Also, Senate Bill, No. 191, An Act to amend "An Act to Incorporate the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine—was placed second on file.

By Mr. Johnson of Amador:

Mr. SPEAKER:—Assembly Bill, No. 477, An Act to amend section two hundred and nineteen, of the Act of April twentieth, one thousand eight hundred and fifty, "to Regulate Proceedings in Civil Cases," having been referred to the Committee on Mines and Mining Interests, the undersigned would respectfully report, that inasmuch as the session is rapidly drawing to a close, it is inexpedient to take action upon said bill. It is therefore recommended that the bill go to the table.

JOHNSON of Amador,
Chairman.

By Mr. Sawyer:

Mr. SPEAKER:—The San Francisco Delegation to whom was referred Senate Bill, No. 289, An Act amendatory of "An Act concerning the Offi-

ces of Sheriff and County Recorder, of the City and County of San Francisco;"

Also, Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City of San Francisco, and against the City and County of San Francisco, have had the same under consideration, and report the same back, and recommend their passage.

SAWYER,
For the Delegation.

By Mr. Smith of Nevada:

Mr. SPEAKER:—The undersigned, a portion of the Nevada Delegation, to whom was referred Senate Bill, No. 314, respectfully report the same back, with a substitute, and recommend the adoption of the substitute.

PHIL MOORE,
C. F. SMITH.

By Mr. Bailey of Tuolumne:

Mr. SPEAKER:—Tuolumne Delegation report Assembly Bill, No. 309, and recommend the bill go to the table.

BAILEY of Tuolumne.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 26, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 240, An Act to define the Limits and Boundaries of the County of Marin;

Also, Assembly Bill, No. 440, An Act to amend an Act entitled "An Act to annex a portion of San Joaquin County to Stanislaus County," approved February seventeenth, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 130, An Act for the Relief of Witnesses in Criminal Cases, in the City and County of Sacramento;

Also, Assembly Bill, No. 127, An Act to authorize Charles B. Polhemus, John Center, Robert Allen, John Perry, Jr. and W. Southwick, their associates and assigns, to Construct and keep in Repair, a certain Street, in the City and County of San Francisco, and to levy and collect Tolls thereon;

Also, Assembly Bill, No. 296, An Act to change the Names of Persons herein named;

Also, Assembly Bill, No. 192, An Act to provide for the Construction of a Railroad, from a point on Petaluma Creek, into the City of Petaluma, and for the right of way for the same;

Also, Assembly Bill, No. 124, An Act to authorize J. C. Cissna to construct a Breakwater and Wharf, at the Port of San Luis Obispo, and providing for the same;

Also, Assembly Bill, No. 410, An Act to authorize the Executrix of the Estate of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale;

Also, Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to Pay certain Claims;

Also, Assembly Bill, No. 482, An Act for the Payment of certain Claims and Deficiencies;

Also, Assembly Bill, No. 458, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendocino;

Also, Assembly Bill, No. 459, An Act to define the Duties of the Officers and Employés of the Assembly, to establish their Pay, and to repeal all existing Laws in relation thereto, so far as the same relates to the Assembly;

Also, Assembly Concurrent Resolution, No. 69, Relating to the Indian Reserves in this State.

JOHN G. DOWNEY,
Governor.

Messrs. Beach, Lawrence, and Haliday, were appointed a Select Committee, to inquire into the manner by which Assembly Bill, relating to conveyance of mining claims, had been sent to the Governor, after having been indefinitely postponed by the Senate.

SECOND READING OF BILLS.

Assembly Bill, No. 480, An Act to Prohibit the carrying of Deadly Weapons concealed—was read second time.

Senate Bill, No. 328, An Act for the Payment of certain Deficiencies—was read second time, and placed fourth on file.

Senate Bill, No. 321, An Act in relation to the City and County of San Francisco—was read second time.

Mr. Conness moved to make the bill the special order for this day, at two o'clock.

Upon which, Messrs. Pate, Conness, and Maxson, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Jenkins, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, and Wescott—36.

Noes—Messrs. Bailey of Santa Clara, Conn, Harville, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—24.

INTRODUCTION OF BILLS.

Mr. Daggett, by leave, introduced a bill for An Act making appropriations for deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Johnson of Amador, by leave, introduced a bill for An Act concerning Weights and Measures in the County of Amador.

Read first time.

Assembly Bill, No. 310, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the

Government of this State,'" approved February twenty-seventh, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 276, An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the construction and improvement of a Wagon Road from La Port to Jamison City—were indefinitely postponed.

Assembly Bill, No. 475, An Act in relation to a Special Tax for Road purposes in the County of Amador—substitute adopted, amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 426, An Act to amend "An Act to provide Revenue for the Support of the Government of this State," and the several Acts amendatory and supplementary thereto.

Mr. Conness moved the previous question.

Sustained.

And so the bill was indefinitely postponed.

At a quarter past one o'clock, P. M., on motion of Mr. Smith of Nevada, the House took a recess for three-quarters of an hour.

At half past one o'clock P. M. the House reassembled.

Assembly Bill, No. 305, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government," approved April twenty-ninth, one thousand eight hundred and fifty-seven—laid on the table.

Mr. Conness moved a call of the House.

Lost.

Senate Bill, No. 163, An Act in relation to Publications—read third time, and passed.

Mr. Conness gave notice of reconsideration.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Friday, April 27, 1860.

MR. SPEAKER:—The Senate this day passed Senate Bill, No. 135, An Act amendatory of an Act entitled "An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, one thousand eight hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eighth, one thousand eight hundred and fifty-nine.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 135, above reported—read first and second times, and referred to the San Francisco delegation.

Mr. Lamar moved to suspend the rules for the purpose of introducing a resolution.

Mr. Daggett moved the previous question.

Upon which, Messrs. Williams, King, and Lambert, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuolumne, Beach, Campbell, Conn, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hammond, Harville, Henry, Heston, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lovell, Maxson, O'Connor, Patten, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Theller, Tilton, Walden, Warner, Wescott, White, Willson, Yager, and Mr. Speaker—52.

Noes—Messrs. Hayes, Hugg, King, Kungle, Lawrence, Makins, Pate, Phelps, Swan, and Williams—10.

On suspending the rules, Messrs. Lamar, Laspeyre, and Daggett, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Campbell, Conness, Daggett, Dunlap, Ellis, Fairchild, Goodman, Haliday, Halsted, Henry, Heston, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, O'Connor, Rodgers of Tuolumne, Sawyer, Schmidt, Stone, Theller, Warner, and Wescott—29.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Conn, Covarrubias, Gallagher, Gwinn, Hammond, Harville, Hayes, Howe, Hugg, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Swan, Tilton, Walden, White, Williams, Wilson, Yager, and Mr. Speaker—36.

SPECIAL ORDER.

Senate Bill, No. 321, An Act in relation to the City and County of San Francisco—was considered in Committee of the Whole, reported, and recommended.

Mr. King moved to adjourn.

Upon which, Messrs. Daggett, Conness, and Wescott, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Gallagher, Harville, Hayes, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Rogers of San Francisco, Shattuck, Smith of Nevada, Tilton, White, Wilkins, Williams, Wilson, and Yager—21.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conn, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Phelps, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Walden, Warner, Welty, Wescott, and Mr. Speaker—47.

Mr. Henry moved the previous question.

Mr. Williams moved a call of the House.

Upon which, Messrs. Williams, Conn, and Gallagher, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Conn, Gallagher, Harville, Hayes, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—28.

NOES—Messrs. Babcock, Bailey, of Tuolumne, Beach, Campbell, Conness, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Swan, Theller, Walden, Warner, Welty, Wescott, and Wilkins—43.

Mr. Lambert moved to adjourn.

Upon which, Messrs. Babcock, Sawyer, and Conness, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Conn, Gallagher, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Tilton, White, Wilkins, Williams, and Wilson—23.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Walden, Warner, Wescott, and Mr. Speaker—43.

On the motion for the previous question, Messrs. Conness, Henry, and Rodgers of Tuolumne, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Combs, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Warner, Welty, and Wescott—39.

NOES—Messrs. Bailey of Santa Clara, Conn, Gallagher, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, Tilton, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker—27.

On making the bill the special order for to-morrow morning, at ten minutes past eleven o'clock, A. M. Messrs. Tilton, Pate, and Kungle, demanded the ayes and noes, with the following result:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Welty, and Wescott—38.

NOES—Messrs. Bailey of Santa Clara, Conn, Gallagher, Hammond, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Wilkins, Williams, Wilson, Yager, and Mr. Speaker--29.

Mr. Coombs moved to adjourn.

Upon which, Messrs. Gallagher, Lawrence, and Kungle, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES — Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Dunlap, Goodman, Gwinn, Haliday, Halsted, Hammond, Hayes, Heston, Hundley, Jenkins, Johnson of Sierra, Kungle, Lamar, Laspeyre, Lovell, Maxson, Pate, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Shattuck, Smith of Nevada, Starr, Stevenson, Stone, Theller, Tilton, Walden, Welty, Wescott, Wilkins, Wilson, and Mr. Speaker—39.

NOES—Messrs. Bailey of Santa Clara, Beach, Covarrubias, Daggett, Ellis, Fairchild, Gallagher, Harville, Henry, Howe, Hugg, Johnson of Amador, King, Lambert, Lawrence, Lewis, Makins, McDermit, O'Connor, O'Rear, Phelps, Rogers of San Francisco, Smith of Sutter, Swan, Warner, Williams, and Yager—27.

So at three o'clock, P. M. the House adjourned until nine o'clock to-morrow morning.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 28, 1860.

The House met pursuant to adjournment.

The Speaker in the Chair.

The Roll was called.

Quorum present.

The Journal of yesterday was read and approved.

REPORT.

Mr. Conness, from the Committee of Free Conference on Senate Bill, No. 320, made the following report:

Mr. SPEAKER:—The Committee of Free Conference on Senate Bill, No. 320, An Act making Appropriations for the Support of the Civil Government of this State, for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive, on the disagreeing votes of the two Houses thereon, have had the same under consideration, and beg leave to report and recommend as follows:

First—That Senate concur in second Assembly amendment to section one.

Second—That Assembly recede from their third amendment to section one.

Third—That Senate concur in fourth Assembly amendment to section one.

Fourth—That Assembly recede from fifth Assembly amendment to section one.

Fifth—That Senate concur in sixth Assembly amendment to section one.

Sixth—That Assembly recede from seventh Assembly amendment to section one.

Seventh—That Senate concur in eighth Assembly amendment to section one, with an amendment, strike out "five thousand," and insert "three thousand."

Eighth—That Senate concur in ninth Assembly amendment to section one.

Ninth—That Assembly recede from tenth Assembly amendment to section one.

Tenth—That Senate concur in eleventh Assembly amendment to section one.

Eleventh—Add to section one, the following amendment: "for prosecution of delinquents, and for infractions of revenue laws, to be expended under the direction of the Controller of State, twenty-five hundred dollars."

Twelfth—That Assembly recede from twelfth Assembly amendment to section one, relative to rent of State-House.

Thirteenth—That Senate concur in section sixth, as added and amended by Assembly.

Respectfully submitted.

MERRITT,
Chairman Senate Committee.
JOHN CONNESS,
Chairman Assembly Committee.

GENERAL FILE.

Senate Bill, No. 199, An Act for the Protection of Fisheries—read third time.

On its passage Messrs. Maxson, Bailey of Tuolumne, and Johnson of Sierra, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Burson, Campbell, Daggett, Dunlap, Fairchild, Gallagher, Goodman, Gwinn, Halsted, Hammond, Hayes, Heston, Howe, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lambert, Laspeyre, Lawrence, Lovell, McDermit, O'Rear, Pate, Schmidt, Smith of Sutter, Stevenson, Stone, Swan, Theller, Walden, Welty, Wescott, Williams, and Yager—37.

NOES—Messrs. Bailey of Santa Clara, Conn, Conness, Haliday, King, Maxson, Patten, Phelps, Sawyer, Shattuck, White, and Wilson—12.

Mr. Stevenson moved to suspend the rule relative to sending bills to the Senate on the day of their passage.

Upon which, Messrs. Williams, Pate, and Tilton, demanded the ayes and noes, and the House refused by the following vote: the Speaker ruling that it required a two-third vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Con-

ness, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Howe, Jenkins, Johnson of Sierra, Lamar, Lovell, Maxson, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Swan, Theller, Walden, Welty, Wescott, and Mr. Speaker—35.

Noes—Messrs. Bailey of Santa Clara, Burson, Conn, Gallagher, Harville, Hayes, Heston, King, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Tilton, White, Williams, Wilson, and Yager—23.

Mr. Daggett made the following report:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 488, An Act to provide for a Burial Place, for the use of this State, and for other purposes therein specified;

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 467, An Act to fix the Compensation of the County Judge of Contra Costa County;

Also, Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants;

Also, Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 365, An Act amendatory of "An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the office of Overseers in each Township of the several Counties of this State, to regulate Water-Courses within their respective limits," approved May thirteenth, one thousand eight hundred and fifty-four;

Also, substitute for Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from forced Sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 453, An Act for the Relief of the Heirs of P. Dillon;

Also, Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to restrict the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin;'" approved April eighteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 464, An Act to authorize the Board of Supervisors of San Mateo County, to levy a Special Tax for Road Purposes;

Also, Assembly Bill, No. 462, An Act recommending to the Electors of the State to vote for, or against, calling a Convention to revise and change the Constitution of the State;

Also, substitute for Assembly Bill, No. 181, An Act to audit and allow a Claim of B. F. Hastings;

Also, substitute for Assembly Bill, No. 202, An Act abolishing the Office

of County Assessor, and establishing the Office of Township Assessors, in the County of Calaveras;

Also, Assembly Bill, No. 448, An Act to authorize William Norris, Administrator of the Estate left unadministered of the Estate of James Blair, deceased, to sell Real Estate of said deceased at Private Sale;

Also, Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnett;

Also, Assembly Bill, No. 474, An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa, to re-issue certain Coupons of the Bonds of said County, to Jesse N. Bolles.

J. DAGGETT,
Chairman.

Senate Bill, No. 191, An Act to amend "An Act to incorporate the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine—was read third time and passed.

Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City and County, and City of San Francisco—was read third time and passed.

Mr. Sawyer moved to suspend the rules, and the Clerk be directed to report the bill to the Senate.

Mr. Warner moved to amend the motion, and rescind the resolution, which directs the Clerk not to report bills to the Senate on the day of passage.

The Chair ruled that to suspend the rules it requires a two-thirds vote.

From this decision Mr. Gwinn appealed.

Upon which, Messrs. Burson, Williams, and Warner, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Gallagher, Hammond, Harville, Hayes, Heston, Howe, Hundley, King, Kungle, Lambert, Laspeyre, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Wilson, and Yager—30.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Henry, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lawrence, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Welty, and Wescott—36.

The Speaker *pro tem.* decided that the motion made by him this morning, relative to reporting bills to the Senate, had been carried, a majority vote only, being necessary.

Mr. White appealed.

Upon which, Messrs. White, Hundley, and Williams, demanded the ayes and noes, and the House refused to sustain the Chair, by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Daggett, Halsted, Hammond, Hayes, Johnson of Sierra, Lewis, Pate, Patten, Smith of Nevada, Theller, and Walden—13.

NOES—Messrs. Bailey of Santa Clara, Beach, Burson, Campbell, Conn, Conness, Coombs, Covarrubias, Ellis, Fairchild, Goodman, Gwinn, Haliday, Harville, Henry, Heston, Hundley, Jenkins, Johnson of Amador,

King, Kungle, Lambert, Laspeyre, Makins, Maxson, O'Connor, Sawyer, Shattuck, Smith of Sutter, Swan, Warner, Wescott, White, Williams, and Wilson—34.

Mr. Conness offered the following substitute:

Resolved, That the resolution heretofore adopted by this House, prohibiting the transmission of bills to the Senate on the same day on which they shall be passed, be and is hereby rescinded.

Mr. Lambert moved the previous question.

The Speaker (Mr. Conness in the Chair,) ruled, that under the call for the previous question, no other motion was in order.

Mr. Laspeyre appealed.

Upon which, Messrs. Hundley, Laspeyre, and Williams, demanded the ayes and noes, and the Chair was sustained by the following vote:

Ayes—Messrs. Bailey of Tuolumne, Burson, Campbell, Coombs, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Warner, Welty, and Wescott—35.

Noes—Messrs. Bailey of Santa Clara, Covarrubias, Gallagher, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Stevenson, Swan, Tilton, White, Williams, and Yager—26.

On the previous question, Messrs. Pate, Lawrence, and White, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Burson, Campbell, Conness, Coombs, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Hayes, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lovell, Maxson, O'Connor, O'Rear, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Stone, Swan, Theller, Walden, Warner, Welty, and Wescott—43.

Noes—Messrs. Bailey of Santa Clara, Covarrubias, Gallagher, Harville, King, Kungle, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Starr, Tilton, White, Williams, and Yager—19.

The Speaker (Mr. Conness,) decided that the resolution under consideration could be introduced without a two-third vote.

From which Mr. Lawrence appealed.

On the appeal, Messrs, Pate, Lambert, and Kungle, demanded the ayes and noes, and the Chair was sustained by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Coombs, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Warner, Welty, and Wescott—36.

NOES—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Gallagher, Harville, Hayes, Howe, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Yager, and Mr. Speaker—27.

On the adoption of the resolution, Messrs. White, Hundley, and Williams, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lewis, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Warner, Welty, Wescott, White, and Yancey—39.

NOES—Messrs. Bailey of Santa Clara, Beach, Burson, Conn, Covarrubias, Gallagher, Harville, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lovell, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, Tilton, Williams, Yager, and Mr. Speaker—27.

Mr. White gave notice of reconsideration.

SPECIAL ORDERS.

Mr. Conness moved to take up first in order for consideration Senate Bill, No. 321, An Act in relation to the City and County of San Francisco.

Mr. Conness demanded the previous question.

Mr. King moved to adjourn.

Upon which, Messrs. Lamar, Williams, and King, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Hammond, Harville, King, Kungle, Lambert, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Stevenson, Tilton, White, Williams, and Yager—19.

NOES—Messrs. Babcock, Bailey of Tuolumne, Beach, Burson, Campbell, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lewis, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Starr, Stone, Swan, Theller, Walden, Welty, Wescott, Yancey, and Mr. Speaker—44.

Mr. King moved a call of the House.

Upon which, Messrs. Williams, King, and Conn, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Gallagher, Harville, King, Kungle, Lambert, Lewis, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Yager, and Mr. Speaker—22.

NOES—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Ellis, Fairchild, Gwinn, Haliday, Halsted, Hammond, Hayes,

Henry, Heston, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Welty, Wescott, and Yancey—33.

On sustaining the previous question, Messrs. King, Bailey of Santa Clara, and Kungle, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Burson, Campbell, Conness, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Stone, Theller, Warner, Welty, Wescott, and Yancey—34.

Noes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, King, Kungle, Lambert, Lawrence, Lewis, Makins, McDermit, Pate, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, White, Williams, Wilson, Yager, and Mr. Speaker—23.

On the motion of Mr. Conness to take up Senate Bill, No. 321, Messrs. Williams, Lawrence, and Conn, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Burson, Campbell, Conness, Coombs, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hayes, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Warner, Welty, Wescott, and Yancey—39.

Noes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Harville, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stevenson, Swan, White, Williams, Wilson, Yager, and Mr. Speaker—28.

Mr. King moved to adjourn.

Upon which, Messrs. Williams, Conn, and King, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Hammond, Harville, King, Kungle, Lambert, Lawrence, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Stevenson, Williams, Wilson, Yager, and Mr. Speaker—20.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Ellis, Fairchild, Gallagher, Goodman, Gwinn, Haliday, Halsted, Hayes, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lewis, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Starr, Stone, Swan, Theller, Walden, Warner, Welty, Wescott, White, and Yancey—45.

The Speaker announced the special order, Assembly Bill, No. 321.

Mr. Stevenson moved a call of the House.

Upon which, Messrs, Williams, Stevenson, and Conn, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Gallagher, Hammond, Harville, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Stevenson, Williams, Wilson, and Yager—22.

Noes—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Swan, Theller, Walden, Warner, Welty, Wescott, White, Yancey, and Mr. Speaker—40.

Mr. Stevenson moved to adjourn.

Upon which, Messrs. Stevenson, Kungle, and Lambert, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Conn, Covarrubias, Gallagher, Hammond, Harville, Hayes, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Starr, Stevenson, Tilton, White, Williams, Yager, and Mr. Speaker—26.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Coombs, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stone, Theller, Walden, Welty, Wescott, and Yancey—39.

Mr. Rogers of Tuolumne moved the previous question.

Upon which, the ayes and noes were demanded, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Daggett, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hammond, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Welty, Wescott, and Yancey—39.

Noes—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Harville, Hayes, King, Kungle, Lambert, Laspeyre, Lawrence, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, Williams, Wilson, and Mr. Speaker—24.

The bill was read third time.

On its passage, Messrs. Pate, Lambert, and Rogers of San Francisco, demanded the ayes and noes, and the bill was passed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Hayes, Henry, Heston, Howe, Jenkins, Johnson of Amador, Johnson of Sierra, King, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Welty, Wescott, and Yancey—39.

NOES—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Hundley, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—26.

Mr. Stevenson moved to suspend the rules, for the purpose of reconsidering the vote by which the bill was passed.

Upon which, Messrs. King, Pate, and, Tilton, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Campbell, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Haliday, Halsted, Henry, Heston, Howe, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Lovell, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Walden, Warner, Welty, Wescott, and Yancey—38.

NOES—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Hayes, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, McDermit, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Starr, Swan, Tilton, White, Williams, Wilson, and Mr. Speaker—27.

Mr. Hayes gave notice of reconsideration of the vote by which the bill passed.

Senate Bill, No. 336, An Act to provide for paying certain Equitable Claims against the State of California, and to contract a Debt for that purpose—considered in Committee of the Whole, reported and recommended, read third time, and passed.

Senate Bill, No. 314, An Act to authorize the Board of Supervisors of the County of Nevada to subscribe for Stock for a Railroad from Auburn to Nevada—substitute adopted, read third time.

On its passage, Messrs. Hayes, O'Connor, and Beach, demanded the ayes and noes, and the bill passed by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Campbell, Conn, Conness, Covarrubias, Daggett, Ellis, Goodman, Halsted, Harville, Hayes, Hundley, Johnson of Amador, King, Laspeyre, Lovell, Makins, McDermit, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Nevada, Stone, Swan, Theller, Tilton, Warner, Welty, Williams, and Mr. Speaker—33.

NOES—Messrs. Gallagher, Haliday, Heston, Hugg, Kungle, Lamar, Lawrence, Lewis, Maxson, O'Connor, O'Rear, Shattuck, White, and Wilson—14.

Mr. Laspeyre moved to suspend the rules to reconsider the vote by which the bill passed.

Upon which Messrs. Hayes, Hugg, and Haliday, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Bailey of Santa Clara, Beach, Conn, Covarrubias, Goodman, Harville, Howe, Hundley, Laspeyre, Lewis, Makins, Rogers of San Francisco, Sawyer, Schmidt, Smith of Nevada, Stone, Tilton, Welty, and Mr. Speaker—19.

NOES—Messrs. Babcock, Campbell, Daggett, Dunlap, Ellis, Gallagher, Haliday, Halsted, Hayes, Henry, Heston, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lawrence, Maxson, McDermit, O'Connor, O'Rear, Pate, Phelps, Rodgers of Tuolumne, Shattuck, Theller, Warner, White, Wilkins, Williams, and Wilson—34.

Mr. Hayes gave notice of reconsideration.

Mr. Conness offered the following resolutions:

Resolved, That the Controller of State be, and he is hereby, authorized and directed to draw his warrant on the Contingent Fund of the Assembly, for the sum of two hundred dollars each, in favor of P. J. Malone and C. A. Sumner, for services rendered in reporting, preparing for publication, and correcting the proof sheets, of the proceedings in the two Houses on the occasion of the death of Hon. J. C. Bell, late member from El Dorado County.

Resolved, That the Sergeant-at-Arms of the Assembly be authorized to sign for, and draw, the per diem of the late Hon. J. C. Bell, deceased.

Adopted.

REPORTS.

Reports were made as follows:

By Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 494, An Act making appropriations for Deficiencies for the Eleventh Fiscal Year ending the thirtieth day of June one thousand eight hundred and sixty.

JOHN DAGGETT,
Chairman.

Also by Mr. Daggett:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 487, An Act appropriating Money to pay the Claim of J. S. Love;

Also, Assembly Bill, No. 479, An Act to pay the Claim of H. C. Kibbe.

JOHN DAGGETT,
Chairman.

By Mr. Hugg:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office;

Also, Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to repeal former Acts," approved May third, one thousand eight hundred and fifty-five.

HUGG,
Chairman.

By Mr. O'Rear:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and found them correctly engrossed:

Assembly Bill, No. 345, An Act to amend the fifth section of "An Act

to provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 288, An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies."

BEN. T. O'REAR,
For Committee.

By Mr. Lawrence:

Mr. SPEAKER:—The committee appointed for the purpose of examining into the manner whereby Assembly Bill, No. 143, was reported back to this House, as being signed by the Governor, said bill having on the sixth day of April, been indefinitely postponed by the Senate, beg leave to report, that the said bill found its way to the Governor through a mistake, or oversight of one of the Clerks of the House. They respectfully recommend that all that portion of Governor's Messages relative to said bill, be expunged from the House Journal, and the enrolled copy be withdrawn from the Secretary of State's Office.

J. S. BEACH,
THOS. J. HALIDAY,
A. C. LAWRENCE.

By Mr. Conness:

Mr. SPEAKER:—Your Auditing Committee have examined copying done for Assembly, and find same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Appendix	700	15 cts.	$105 00
For Printer, etc	1,450	10	145 00
Totals	2,150		$250 00

Your committee would recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson, for the sum of two hundred and fifty dollars, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted.

By Mr. Ellis:

Mr. SPEAKER:—The Committee of Free Conference, appointed by the Senate and Assembly, in relation to the disagreement of the two Houses upon amendments proposed to substitute for Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-seven, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento," would respectfully report that they have had a free conference in relation to said amendments, and

the majority of said committee recommend that the Senate recede from its amendment to section four, in which the Assembly refused to concur; which amendment is in these words: "Strike out from the fifty-second, fifty-third, and fifty-fourth lines, the following words:' 'together with such fees as are allowed him by law for issuing licenses.'"

In this portion of the report, Senator McDonald does not concur, but recommends that the Senate adhere to its amendment.

Your committee further recommend that the Senate adhere to its amendment to section five, of said bill, striking out "eight," and insertinfi "six," in the thirteenth line of said section, and that the Assembly concur in said amendment.

R. A. REDMAN,
R. C. CLARK,
Of Senate Committee.
CONNESS,
R. B. ELLIS,
L. C. GOODMAN,
Of Assembly Committee.

Adopted.

Mr. Lamar moved to reconsider the vote by which the House on yesterday struck out the enacting clause from Assembly Bill, No. 420, An Act to grant the right of way, and to authorize certain Persons therein named to lay down and maintain a Railway Track within the Limits of the City and County of San Francisco, and to run Cars thereon.

Upon the motion to indefinitely postpone the motion to reconsider, Messrs. Kungle, Pate, and Wilkins, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Babcock, Beach, Campbell, Conness, Coombs, Covarrubias, Ellis, Goodman, Haliday, Halsted, Hammond, Heston, Howe, Hugg, Hundley, Johnson of Amador, Lamar, Lambert, Lovell, Makins, Maxson, O'Connor, O'Rear, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Stevenson, Swan, Tilton, Warner, Welty, Williams, and Wilson—34.

NOES—Messrs. Bailey of Tuolumne, Daggett, Dunlap, Harville, Hayes, Johnson of Sierra, Kungle, Laspeyre, Pate, Phelps, Rodgers of Tuolumne, Smith of Nevada, Smith of Sutter, Wescott, Wilkins, Yancey, and Mr. Speaker—17.

Mr. Rogers of San Francisco verbally reported and recommended the passage of Senate Bill, No. 135.

Bill read third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, April 28, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 142, An Act to authorize Robert Haley and John G. Olden to construct a Wharf at the foot of Third Street, in the City and County of San Francisco, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 142, above reported.

SENATE CHAMBER,
Friday, April 27, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and Associates to build a Wharf at the Port of San Pedro, in the County of Los Angeles, with amendments;

Also, Assembly Bill, No. 312, An Act supplemental to "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 441, above reported.

SENATE CHAMBER,
Saturday, April 28, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 490, An Act to appropriate Money for the Payment of D. H. Whipley;

Also, Assembly Bill, No. 447, An Act for the Settlement of the Estate of certain Minors;

Also, Assembly Bill, No. 485, An Act to authorize and require the State Treasurer to issue War Bonds for the Relief of J. S. Bass & Co.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Saturday, April 28, 1860.

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 486, An Act for the Relief of John L. Kelan;

Also, Assembly Bill, No. 483, An Act making an Appropriation for Deficiency in the Appropriation made for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year;

Also, Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Court, in Contra Costa County;

Also, Assembly Bill, No. 479, An Act to pay the Claim of H. C. Kibbe;

Also, Assembly Bill, No. 487, An Act appropriating Money to pay the Claim of John S. Love.

D. J. WILLIAMSON,
Assistant Secretary of Senate.

SENATE CHAMBER,
Saturday, April 28, 1860.

Mr. SPEAKER:—The Senate this day adopted the report of the Committee on Free Conference on Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento;'"

Also, Senate Concurrent Resolution, No. 52, Relative to State Librarian distributing Copies of Journals, etc.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No. 52, above reported—concurred in.

SENATE CHAMBER,
Friday, April 27, 1860.

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 493, An Act declaring the Streets and Alleys in the town of Red Bluff Public Highways;

Also, Assembly Bill, No. 449, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-first, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 264, An Act to amend an Act supplementary to an Act entitled "An Act to amend an Act entitled 'An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 200, An Act concerning the Board of State Prison Directors;

Also, Senate substitute for Assembly Bill, No. 157, An Act to provide for settling the Boundary Lines between the Counties of Sierra and Plumas, and the Counties of Plumas and Shasta;

Also, Assembly Bill, No. 494, An Act making appropriations for Deficiencies for the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty;

Also, indefinitely postponed Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act providing for the permanent location of the Seats of Justice in the several Counties,'" passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 270, An Act to fix the Compensation of the mileage of Treasurers in the Counties of Santa Clara, San Joaquin, Napa, and Sonoma, and to regulate the time of Settlement by them with the Controller and Treasurer of State;

Also, have concurred in the report of the Committee on Free Conference on Senate Bill, No. 320, An Act making appropriations for the support of the Civil Government of the State, for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousaad eight hundred and sixty-one, inclusive.

J. R. BEARD,
Secretary of Senate.

Senate Bills, Nos. 157 and 200—read first and second times, rules suspended, read third time, and passed.

Mr. Rogers of San Francisco made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the following accounts, and have found them correct, and recommend their payment, viz:

Purpose.	Amount.
The account of William Dougherty, for sundry papers furnished members of the Assembly to April thirtieth, one thousand eight hundred and sixty	$394 85
The account of Charles T. Botts, for Daily and Weekly *Standards* furnished members of the Assembly to same date	141 80
The account of George I. Lyttle, for sundry papers furnished members of Assembly to same date	9 63
The account of J. Bithell, for stationery furnished the Assembly	490 00
The account of D. Kendall, for fire-wood furnished committee rooms	5 00
The account of C. W. Tozer, for postage furnished members of Assembly	400 00
Total	$1441 28

DANIEL ROGERS,
Chairman.

Adopted.

Assembly Bill, No. 423, An Act for the Relief of John F. Carey, Treasurer of Klamath County—rules suspended, considered engrossed, read third time, and passed.

Mr. Howe offered the following resolution:

Resolved, That all members of this House, who have been absent during the present session without leave, are hereby excused, and this resolution shall have the same effect as if the said members had obtained leave of absence in the usual way, and the Clerk immediately inform the Controller of the passage of this resolution.

Adopted.

At half past one o'clock, P. M. the House took a recess until two o'clock.

The House re-assembled at two o'clock.

Mr. Bailey of Tuolumne moved a call of the House.

Carried.

The following members were absent, viz: Messrs. Babcock, Burson, Campbell, Conness, Coombs, Covarrubias, Dunlap, Ellis, Fairchild, Gallagher, Gwinn, Haliday, Halstead, Hayes, Henry, Heston, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lambert, Malarin, Maxson, McDermit, Patten, Sawyer, Schmidt, Stevenson, Stone, Warner, White, Wilkins, Williams, and Yancey.

Further proceedings under the call were dispensed with.

Mr. Stevenson moved to adjourn.

Upon which, Messrs. Williams, King, and Wilkins, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Bailey of Santa Clara, Dunlap, Haliday, Harville, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Patten,

Phelps, Rogers of San Francisco, Sawyer, Shattuck, Stevenson, Tilton, Williams, Wilson, Yager, and Mr. Speaker—24.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conn, Conness, Coombs, Covarrubias, Daggett, Ellis, Fairchild, Goodman, Gwinn, Hayes, Henry, Heston, Howe, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, O'Connor, O'Rear, Rodgers of Tuolumne, Schmidt, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Theller, Walden, Warner, Welty, Wescott, and Wilkins—37.

Mr. Lawrence moved to suspend the rules to take up Assembly Bill, No. 288.

Mr. Conness moved the previous question.

Mr. Williams moved a call of the House.

The Speaker, (Mr. Smith of Nevada,) declared the motion not in order.

Mr. Williams appealed.

Upon which, Messrs. Conn, Harville, and Williams, demanded the ayes and noes, and the decision of the Chair was sustained by the following vote:

Ayes—Messrs. Babcock, Beach, Conness, Coombs, Covarrubias, Daggett, Dunlap, Ellis, Fairchild, Goodman, Haliday, Hammond, Henry, Heston, Howe, Hundley, Jenkins, Johnson of Sierra, Kungle, Lamar, Laspeyre, Lovell, Maxson, O'Connor, O'Rear, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Sutter, Stevenson, Stone, Theller, Warner, Welty, and Wescott—35.

Noes—Messrs. Bailey of Santa Clara, Conn, Harville, Lambert, Lawrence, Lewis, McDermit, Pate, Patten, Rogers of San Francisco, Shattuck, Starr, Swan, Tilton, Wilkins, Williams, and Wilson—18.

On the motion for the previous question, Messrs. Williams, Lamar, and Conn, demanded the ayes and noes, and the motion prevailed by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Conness, Coombs, Daggett, Dunlap, Ellis, Fairchild, Goodman, Halsted, Hammond, Henry, Heston, Hugg, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Stone, Swan, Theller, Warner, Welty, Wescott, Wilkins, and Yager—38.

Noes—Messrs. Bailey of Santa Clara, Conn, Haliday, Harville, Howe, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Makins, Pate, Phelps, Rogers of San Francisco, Shattuck, Starr, Stevenson, Walden, White, Williams, and Mr. Speaker—22.

On suspending the rules, Messrs. Stevenson, Williams, and Haliday, demanded the ayes and noes, and the House refused by the following vote, two-thirds being necessary:

Ayes—Messrs. Babcock, Beach, Conn, Conness, Covarrubias, Dunlap, Ellis, Fairchild, Goodman, Halsted, Henry, Heston, Howe, Johnson of Amador, King, Lambert, Laspeyre, Lawrence, Lovell, Maxson, McDermit, O'Connor, O'Rear, Patten, Sawyer, Schmidt, Smith of Nevada, Smith of Sutter, Starr, Stone, Swan, Theller, Walden, Warner, Welty, Wescott, White, Wilkins, Yager, and Mr. Speaker—40.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Daggett,

Gallagher, Haliday, Hammond, Harville, Hugg, Hundley, Jenkins, Johnson of Sierra, Kungle, Lamar, Lewis, Pate, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Stevenson, Tilton, Williams, and Wilson—24.

Mr. Williams moved to adjourn.

Upon which, Messrs. Williams, King, and Bailey of Santa Clara, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Babcock, Burson, Dunlap, Haliday, Harville, Heston, Hundley, King, Kungle, Lambert, Lawrence, Lewis, Lovell, Makins, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Schmidt, Shattuck, Smith of Nevada, Theller, Tilton, Williams, Wilson, and Mr. Speaker—27.

Noes—Messrs. Bailey of Santa Clara, Bailey of Tuolumne, Beach, Conness, Coombs, Covarrubias, Ellis, Fairchild, Gallagher, Gwinn, Halsted, Hammond, Henry, Hugg, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Maxson, O'Connor, Rodgers of Tuolumne, Sawyer, Smith of Sutter, Starr, Stone, Swan, Warner, Welty, Wescott, and White—31.

Mr. Johnson of Amador moved to suspend the rules for the purpose of introducing a resolution.

Upon which, Messrs. Williams, King, and Pate, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Coombs, Covarrubias, Dunlap, Fairchild, Gwinn, Johnson of Amador, Johnson of Sierra, Lamar, Lawrence, Sawyer, Schmidt, Smith of Sutter, Starr, Stone, Swan, Theller, Wescott, and Wilson—21.

Noes—Messrs. Bailey of Santa Clara, Burson, Conn, Conness, Ellis, Haliday, Hammond, Harville, Henry, Howe, Hugg, Hundley, Jenkins, King, Kungle, Lambert, Lewis, Makins, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck, Smith of Nevada, Walden, Warner, Welty, White, and Williams—33.

Mr. King moved to adjourn.

Upon which, Messrs. Williams, King, and Harville, demanded the ayes and noes, and the House agreed by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Beach, Burson, Conn, Coombs, Covarrubias, Gallagher, Gwinn, Haliday, Hammond, Harville, Heston, Howe, Hundley, Johnson of Amador, King, Kungle, Lambert, Lawrence, Lovell, Makins, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Sawyer, Schmidt, Shattuck, Smith of Nevada, Swan, Theller, Tilton, White, Williams, Wilson, Yager, and Mr. Speaker—41.

Noes—Messrs. Babcock, Bailey of Tuolumne, Conness, Dunlap, Ellis, Fairchild, Goodman, Halsted, Henry, Hugg, Jenkins, Johnson of Sierra, Lamar, Laspeyre, Lewis, Maxson, Rodgers of Tuolumne, Smith of Sutter, Starr, Walden, Warner, Welty, Wescott, and Wilkins—19.

And so at three o'clock, P. M. the House adjourned to ten o'clock, A. M. on Monday.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 30, 1860.

The House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of Saturday read and approved.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, April 28, 1860.

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 342, An Act supplementary and amendatory of an Act entitled "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-eighth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract and the Surrender of the State Prison to the State," approved April twenty-first, one thousand eight hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 342, above reported—was read first and second times, considered in Committee of the Whole, reported with amendments, amendments adopted, read third time.

On its passage Messrs. Harville, Makins, and Williams, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Burson, Campbell, Conness, Covarrubias, Daggett, Fairchild, Goodman, Gwinn, Halsted, Hayes, Henry, Heston, Howe, Johnson of Sierra, Lamar, Lambert, Laspeyre, Lawrence, Lewis, Maxson, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Schmidt, Shelton, Smith of Nevada, Smith of Sutter, Theller, Watson, Welty, White, Wilkins, Yager, Yancey, and Mr. Speaker—39.

NOES—Messrs. Bailey of Santa Clara, Beach, Conn, Dunlap, Ellis, Gallagher, Haliday, Hammond, Harville, Hugg, Jenkins, Johnson of Amador, King, Kungle, Lovell, Makins, O'Connor, Shattuck, Stone, Swan, Tilton, Walden, Warner, Williams, and Wilson—25.

SENATE CHAMBER,
Monday, April 30, 1860.

Mr. SPEAKER:—The Senate on Saturday, passed Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 19, An Act to amend an Act entitled "An Act

to amend an Act entitled 'An Act to authorize the Funding the Floating Debt of the City of San Francisco, and to provide for the Payment of the same,'" passed May first, one thousand eight hundred and fifty-one, approved April thirtieth, one thousand eight hundred and fifty-eight;

Also, Senate Concurrent Resolution, No. 53, Relative to suspending the Fifteenth Joint Rule.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No, 53, Relative to suspending Joint Rule, Number Fifteen, amended by striking out "and for no other purpose."

On striking out, Messrs. King, Williams, and Harville, demanded the ayes and noes, with the following result:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Burson, Campbell, Conness, Daggett, Dunlap, Ellis, Fairchild, Goodman, Halsted, Hammond, Henry, Heston, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Maxson, O'Connor, Patten, Rodgers of Tuolumne, Schmidt, Smith of Sutter, Stone, Theller, Walden, Watson, Welty, Yancey, and Mr. Speaker—32.

NOES—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Harville, Hayes, Howe, Hugg, Hundley, King, Kungle, Lambert, Laspeyre, Lawrence, Lewis, Makins, McDermit, O'Rear, Pate, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Swan, Tilton, Warner, White, Wilkins, Williams, Wilson, and Yager—31.

On the adoption of the resolution as amended, Messrs. Harville, Williams, and Campbell, demanded the ayes and noes, and the resolution as amended was adopted by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Beach, Burson, Campbell, Conness, Daggett, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Halsted, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, Lamar, Laspeyre, Lewis, Maxson, O'Connor, O'Rear, Patten, Rodgers of Tuolumne, Schmidt, Smith of Nevada, Smith of Sutter, Stone, Swan, Theller, Walden, Watson, Welty, White, Wilkins, Yancey, and Mr. Speaker—42.

NOES—Messrs. Bailey of Santa Clara, Conn, Covarrubias, Gallagher, Hammond, Harville, Hawley, King, Kungle, Lambert, Lawrence, Makins, McDermit, Pate, Rogers of San Francisco, Shattuck, Tilton, Warner, Williams, and Wilson—20.

The House concurred in Senate Concurrent Resolution, No. 54, Relative to Senate Bill, No. 336.

A message was received from the Senate, announcing that the Senate refused to concur in Assembly amendment to Senate Bill, No. 342.

On receding from Assembly amendment, Messrs. Conness, Harville, and Lovell, demanded the ayes and noes, and the House receded by the following vote:

AYES—Messrs. Babcock, Bailey of Tuolumne, Burson, Campbell, Ellis, Goodman, Gwinn, Halsted, Hammond, Henry, Heston, Howe, Hugg, Hundley, Johnson of Sierra, Kungle, Lamar, Lambert, Lawrence, Lewis, O'Rear, Pate, Rogers of San Francisco, Rodgers of Tuolumne, Shattuck,

Smith of Nevada, Watson, Welty, Wilkins, Yager, and Mr. Speaker —31.

Noes—Messrs. Bailey of Santa Clara, Beach, Conn, Conness, Covarrubias, Daggett, Dunlap, Fairchild, Gallagher, Harville, Hayes, Jenkins, Johnson of Amador, King, Laspeyre, Makins, Maxson, O'Connor, Phelps, Schmidt, Smith of Sutter, Stone, Swan, Theller, Tilton, Walden, Warner, White, Wilson, and Yancey—30.

Mr. Johnson of Amador made the following report:

Mr. Speaker:—The proposed amendments to the State Constitution, introduced by Mr. Smith of Nevada, together with Mr. White's resolution, instructing the Joint Select Committee on Constitutional Amendments to inquire into the expediency of amending certain articles of said instrument, are herewith returned without recommendation.

In consequence of the pendency, until a late period of the session, of the bill calling and providing for a Constitutional Convention, and subsequently the passage of an act again submitting that question to a vote of the people, all attempts to convene the Joint Select Committee have failed. Hence, and unfortunately, the submission for popular ratification, of many much needed amendments to our fundamental law, has been prevented.

Respectfully submitted,

JOHNSON of Amador,

Ch'n on the part of the Assembly.

Mr. Johnson of Sierra offered the following resolutions:

Whereas, it is the usual practice in Congress and other legislative bodies, to testify, in a substantial manner, their appreciation of the laborious services of the short-hand writers, reporting their proceedings to the country, therefore, be it

Resolved, That the thanks of this Assembly be, and they are hereby, tendered to Messrs. P. J. Malone, Chas. A. Sumner, and W. M. Cutter, short-hand writers, for their faithful reports of the proceedings of this body; and, in appreciation of their services, be it further

Resolved, That the Controller of State be, and he is hereby, authorized and required to draw his warrants in favor of the said Reporters, for three and one-half dollars per day each, for each and every day from the Commencement to the end of the present session, to be drawn upon, and paid out of, the Contingent Fund of the Assembly.

On laying the resolutions on the table, Messrs. Warner, Makins, and Theller, demanded the ayes and noes, and the House refused by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Conn, Hammond, Harville, Heston, Howe, Hundley, Jenkins, King, Lawrence, Lewis, Makins, Patten, Phelps, Rogers of San Francisco, Shattuck, Smith of Nevada, Stone, Swan, Welty, and Williams—22.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Daggett, Dunlap, Fairchild, Goodman, Halsted, Hayes, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Maxson, O'Connor, O'Rear, Pate, Rodgers of Tuolumne, Theller, Wilkins, Wilson, and Yancey—24.

Mr. Howe moved to strike out all that related to the payment of money.

Mr. Conness moved the previous question.

Sustained.

Upon striking out, Messrs. Warner, Williams, and Bailey of Santa Clara, demanded the ayes and noes, and the motion was lost by the following vote:

Ayes—Messrs. Bailey of Santa Clara, Burson, Conn, Goodman, Hammond, Harville, Heston, Howe, Hundley, Jenkins, King, Lawrence, Makins, O'Connor, O'Rear, Patten, Rogers of San Francisco, Shattuck, Smith of Nevada, Stone, Swan, Wescott, and Williams—23.

Noes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Dunlap, Ellis, Fairchild, Halsted, Hayes, Hugg, Johnson of Amador, Johnson of Sierra, Lamar, Lambert, Lewis, Lovell, Maxson, Pate, Phelps, Rodgers of Tuolumne, Theller, Warner, White, Wilkins, Wilson, and Yancey—27.

On the adoption of the resolution, Messrs. Howe, King, and Harville, demanded the ayes and noes, and the resolution was adopted by the following vote:

Ayes—Messrs. Babcock, Bailey of Tuolumne, Beach, Campbell, Conness, Dunlap, Ellis, Fairchild, Goodman, Gwinn, Halsted, Henry, Hugg, Johnson of Amador, Johnson of Sierra, Lambert, Lovell, Maxson, Pate, Patten, Rodgers of Tuolumne, Theller, Warner, Wilson, and Yancey—25.

Noes—Messrs. Bailey of Santa Clara, Burson, Conn, Hammond, Harville, Heston, Howe, Hundley, Jenkins, King, Lawrence, Lewis, Makins, McDermit, O'Connor, O'Rear, Rogers of San Francisco, Shattuck, Smith of Nevada, Stone, Swan, Welty, and Williams—23.

The House concurred in Senate Concurrent Resolution, No. 19, Relative to Assembly Bill, No. 19;

Also, concurred in Senate Concurrent Resolution, No. ——, Relative to Appointment of Committee to wait on the Governor.

The Speaker appointed Messrs. Howe, O'Connor, and Tilton, on the part of the House.

The House concurred in Senate Concurrent Resolution, Relative to Assembly Bill, No. 270.

Mr. Patten made the following report:

Mr. Speaker:—Your Auditing Committee have examined copying done for the Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal.....	960	15 cts	$144 00
For Printer, etc.....	960	10	96 00
Totals	1,920	.....	$240 00

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum

of two hundred and forty dollars, payable out of the Copying Fund of the Assembly.

C. McDERMIT,
Chairman.

Adopted. D. C. PATTEN.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 30, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April nineteenth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto;

Also, Assembly Bill, No. 223, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 448, An Act to authorize William Norris, Administrator of the Estate left unadministered of the Estate of James Blair, deceased, to sell Real Estate of said deceased at Private Sale;

Also, Substitute for Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from Forced Sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one;

Also, substitute for Assembly Bill, No. 181, An Act to audit and allow a Claim of B. F. Hastings;

Also, Assembly Bill, No. 462, An Act recommending to the Electors of the State to vote for or against a Convention to Revise and Change the Constitution of the State;

Also, Assembly Bill, No. 467, An Act to fix the Compensation of the County Judge of Contra Costa County;

Also, Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act restricting the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin,'" approved March fifteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, substitute for Assembly Bill, No. 202, An Act abolishing the Office of County Assessor, and establishing the Office of Township Assessor, in the County of Calaveras;

Also, Assembly Bill, No. 464, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road Purposes;

Also, Assembly Bill, No. 474, An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa, to re-issue certain Coupons of the Bonds of Said County, to Jesse N. Bolles;

Also, Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnett;

Also, Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants;

Also, Assembly Bill, No. 453, An Act for the Relief of the Heirs of P. Dillon;

Also, Assembly Bill, No. 488, An Act to provide for the Purchase of a Burial Place for the use of this State, and for other purposes therein specified;

Also, Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the Office of Overseer, in each Township of the several Counties of this State, to regulate Water-Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office;

Also, Assembly Bill, No. 486, An Act to provide for the Payment of A. J. F. Phelan;

Also, Assembly Bill, No. 447, An Act for the Settlement of the Estate of certain Minors;

Also, Assembly Bill, No. 490, An Act to Appropriate money for the Payment of D. H. Whipley;

Also, Assembly Bill, No. 449, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-first, one thousand eight hundred and fifty-seven;

Also, substitute for Assembly Bill, No. 182, An Act amendatory of "An Act to define the Boundaries, and to provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 485, An Act to authorize and require the State Treasurer to issue War Bonds for the Relief of J. S. P. Bass and Company;

Also, Assembly Bill, No. 479, An Act to Pay the Claim of H. C. Kibbe;

Also, Assembly Bill, No. 487, An Act appropriating Money to Pay the Claim of J. S. Love;

Also, Assembly Bill, No. 472, An Act concerning Roads and Highways in the County of Placer;

Also, Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and associates to build a Wharf at the Port of San Pedro, in the County of Los Angeles;

Also, Assembly Bill, No. 264, An Act to amend an Act entitled An Act supplementary to an Act entitled "An Act to amend 'An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved May fifteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 493, An Act declaring Streets and Alleys in the Town of Red Bluff, Public Highways;

Also, Assembly Bill, No. 481, An Act to appropriate Money to parties therein named;

Also, Assembly Bill, No. 304, An Act to regulate the Salary of the County Judge of Mariposa County;

Also, Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Court, in Contra Costa County;

Also, Assembly Bill, No. 483, An Act making an Appropriation for the Deficiency in the Appropriation made for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year;

Also, Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, one thousand eight hundred and fifty-seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 312, An Act supplementary to an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four;

Also, substitute for Assembly Bill, No. 173, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their Compensation for the County of El Dorado;

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, substitute for Assembly Bill, No. 340, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada Railroad, to the Eastern Extension Railroad, and to assist in Constructing certain Wagon Roads therein named.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 30, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 30, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 19, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same,'" passed May first, one thousand eight hundred and fifty-one, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 28, 1860.

To the Honorable the Assembly of California:

I have to inform your Honorable Body that I have approved Assembly Bill, No. 213, An Act to provide for recording Notice of Claims to Private Land Grants in this State;

Also, Assembly Bill, No. 443, An Act to amend an Act entitled "An Act

to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento."

JOHN G. DOWNEY,
Governor.

REPORTS.

Mr. Daggett made the following reports:

Mr. SPEAKER:—Your Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 142, An Act to authorize Robert Haley and John Oldner to construct a Wharf at the foot of Third Street, in the City and County of San Francisco.

JOHN DAGGETT,
Chairman.

Mr. SPEAKER:—In connection with the above, the committee would beg leave to offer the accompanying resolution:

JOHN DAGGETT,
Chairman.

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 19, and have delivered the same to the Governor.

Also, Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

JOHN DAGGETT,
Chairman.

Mr. Daggett offered the following resolution:

Resolved, That the Enrolling Committee be allowed to draw and disburse the per diem of extra Enrolling Clerks employed by them, not to exceed forty-seven days, at the rate of eight dollars per day, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. SPEAKER:—The Committee on Enrolled Bills have examined and have found correctly enrolled, Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-seven, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento;'"

Also, Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 270, An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara, San Joaquin, Napa, and

Sonoma, and to regulate the time of Settlement by them with the Controller and Treasurer of State ;

Also, Assembly Bill, No. 304, An Act to regulate the Salary of the County Judge of Mariposa County ;

Also, Assembly Bill, No. 312, An Act supplemental to an Act entitled "An Act for the protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four :

Also, Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, one thousand eight hundred and fifty-seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine.

Also, Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Court in Contra Costa County ;

Also, Assembly Bill, No. 441, An Act to authorize John I. Tomlinson and Associates to build a Wharf at the Port of San Pedro, in the County of Los Angeles ;

Also, Assembly Bill, No. 472, An Act concerning Roads and Highways in the County of Placer ;

Also, Assembly Bill, No. 481, An Act to appropriate Money to parties therein named ;

Also, Assembly Bill, No. 483, An Act making an appropriation for Deficiency in the appropriation made for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year ;

Also, Assembly Bill, No. 493, An Act declaring the Streets and Alleys in the Town of Red Bluff Public Highways ;

Also, substitute for Assembly Bill, No. 340, An Act to enable the County of Placer to Subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, to the Eastern Extension Railroad, and to assist in constructing certain Wagon Roads therein named ;

Also, Assembly Bill, No. 85, An Act for the disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School purposes by an Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund ;

Also, substitute for Assembly Bill, No. 173, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their Compensation, for the County of El Dorado ;

Also, Assembly Bill, No. 300, An Act to Re-Icorporate the City of Los Angeles.

JOHN DAGGETT,
Chairman.
SAML. L. THELLER,
B. P. HUGG.

Also :

Mr. SPEAKER :—The Enrolling Committee have been compelled to employ additional service than that granted by the House, in order to complete the business before them in time for adjournment, therefore beg leave to offer the following resolution for adoption :

JOHN DAGGETT,
Chairman.
B. P. HUGG,
SAML. L. THELLER.

Mr. Laspeyre offered the following resolution:

Resolved, That the thanks of this Assembly are tendered to the Hon. Phil. Moore, Speaker, for the able, faithful, and impartial, manner in which he has presided over this Body during the session.

Unanimously adopted by acclamation.

At twelve o'clock, M. the hour fixed for adjournment *sine die*, the Speaker delivered the following valedictory address:

GENTLEMEN OF THE ASSEMBLY:—The moment has now arrived when the duty devolves upon me of announcing to you that the labors of a long and arduous session have terminated. In the performance of our mutual services to the State, I have had many occasions to appreciate the courtesy of the members of this House toward myself, and their uniform readiness to acquiesce in the rules established by themselves. Our intercourse has been to me a source of unalloyed gratification, and I shall ever treasure in my heart of hearts the memory of the many kind friends in your body who have so unremittingly sustained me in my efforts to discharge the duties of an office oftentimes onerous and unpleasant. If, in your consideration, I have faithfully and impartially acted as the presiding officer of this Assembly, I am more than amply rewarded. With the people of this State, to whom we are now about to return the trust delegated to us, rests the final award upon the merits of our legislative action. I desire again to return my thanks tendered you at the opening of this session for the distinguished honor you have conferred upon me, and wish you all, gentlemen, a kind farewell and safe return to your homes and firesides.

INDEX.

ORDER OF ARRANGEMENT.

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INDEX TO PROCEEDINGS OF ASSEMBLY.

ABBREVIATIONS.—A. B., Assembly Bill; A. C. R., Assembly Concurrent Resolution; S. B., Senate Bill; S. C. R., Senate Concurrent Resolution.

INDEX TO ASSEMBLY BILLS.

ASSEMBLY BILLS.

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
1	An act to amend an act entitled an act defining the time of commencing civil actions, passed April 22d, 1850. Welty.....	31		
2	An act to amend an act entitled an act concerning Attorneys and Counselors-at-Law, passed February 19th, 1859. Welty.....	31		
3	An Act concerning the County Recorder of the county of San Luis Obispo. Henry.....	35	192	235
4	An act granting permission to poor persons to prosecute and defend actions in the courts of this State, and for the appointment of Attorneys. Starr.....	32		
5	An act relative to the Under Sheriff and Jail-Keeper of the County of Tuolumne. Yancey.....	31		
6	An act to appropriate money to furnish the Governor's office. Sawyer.....	35	36	115
7	An act to provide for the erection of a wharf at the port of San Luis Obispo, and granting privilege of the same. Henry.....	35		
8	An act to amend an act entitled an act concerning roads and highways in certain counties therein named, approved April 22d, 1858, Henry.....	35	154	280
9	An act to repeal an act to alter and define the boundary line of Tehama County. Stevenson.....	36		
10	An act to amend an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851. Rogers of San Francisco.	32	223	281
11	An act to extend the time for the Sheriff of Sacramento City and County to collect the delinquent taxes for the year one thousand eight hundred and fifty-nine. Welty.....	38	38	116
12	An act to amend an act entitled an act to regulate proceedings in criminal cases. Welty.....	34	313	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
13	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this State, passed April 29th, 1851, and to amend an act which became a law March 24th, 1858, amendatory thereto; also, an act approved April 15th, 1858, amendatory thereto, and other acts amendatory thereto. Welty.	34		
14	An act to pay Mary Harrison for services rendered at the State Insane Asylum. Johnson of Amador	120	224	632
15	An act granting the privilege of running a steam ferry between Vallejo and Mare Island to Edward Logan and Thomas Thornton, their successors and assigns. Swan	120		
16	An act to amend an act entitled an act to provide for the support of the indigent sick of Yuba County, approved March 31st, 1856. Wescott	120	124	258
17	An act to grant certain parties the right of constructing a road to Point Lobos, in the city and county of San Francisco. Phelps ..	35	237	
18	An act to amend an act entitled an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, approved April 15th, 1858. Pate	119		
19	An act to amend an act entitled an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851, approved April 13th, 1858. Sawyer	34		
20	An act regulating prosecutions in case of bastardy, and to provide for the support of illegitimate children. Starr	119		
21	An act to amend an act entitled an act to create the county of Merced, to define its boundaries, and to provide for its organization, approved April 19th, 1855. Jenkins	119	192	221
22	An act amendatory of, and supplementary to, the act defining the rights of husband and wife. Rogers of San Francisco	119	334	
23	An act to repeal an act relative to the time of assessing the value of real and personal property, and collecting taxes levied thereon, for State and county purposes, in the counties of Sierra and Plumas, so far as the provisions of said act relate to the county of Plumas. Hundley	119	133	190
24	An act to regulate fees of witnesses in criminal cases. Ellis	119		
25	An act to amend an act entitled an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, passed March 24th, 1858. Pate	119		
26	An act to extend the time for collecting taxes in the county of Contra Costa. Yager	132	159	190
27	An act explanatory of, and supplementary to, an act entitled an act to amend an act entitled an act to regulate fees in office in certain counties in this State, approved April 28th, 1859, approved April 18th, 1859. Laspeyre	132	223	251
28	An act concerning certain acknowledgments of deeds and other instruments in writing affecting real estate. Starr	132	372	631
29	An act to amend an act entitled an act amendatory of an act entitled an act to provide for the disposal of lots in the towns and villages			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
	on the public lands in Humboldt County, passed April 27th, 1855, approved ——3d, 1856. Burson.....	137	191	206
30	An act to amend an act entitled an act to provide revenue for the support of the government of this State, so far as it relates to the counties of Santa Clara and Contra Costa. Bailey of Santa Clara..	137	216	
31	An act to amend an act entitled an act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April 21st, 1858, and also to amend an act approved April 18th, 1858, entitled an act amendatory of an act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April 21st, 1858. Gwinn.....	137	426	
32	An act to extend the time for collecting taxes in the county of Solano. Swan.....	138	156	190
33	An act to extend the time for the Tax Collector of Sutter County to collect the taxes in said county and make his final settlement with the Auditor. Smith of Sutter.....	138	162	221
34	An act to provide for the organization of a company of mounted volunteers, to be employed under the direction and control of the Governor, and to appropriate money to defray the expenses of the same. Lamar.....	137		
35	An act to authorize the Tax Collector of Mendocino County to collect certain delinquent taxes and to extend the time for the collection of the same. Lamar.....	155	227	251
36	An act to authorize John Wilson to sell certain lands in San Luis Obispo County belonging to his infant son, John Wilson. Henry.	155	155	190
37	An act amendatory of an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4th, 1852.	155		
38	An act to provide for taking delivery bonds in cases wherein personal property has been levied upon by virtue of writs of attachment and execution. Welty.....	156		
39	An act authorizing the Board of Supervisors of Santa Clara County to make an annual appropriation to the Santa Clara Valley Agricultural Society, and legalizing an appropriation heretofore made. Williams.....	159	159	221
40	An act to authorize the Administratrix of the estate of John McKenna, deceased, to sell the real estate of deceased at private or public sale. Swan.....	159	223	251
41	An act supplemental to an act entitled an act to repeal the several acts incorporating the city of Benicia, and to provide for the government thereof, approved April 18th, 1859. Swan.....	158	223	480
42	An act to amend an act to exempt the homestead and other property from forced sale in certain cases, passed April 21, 1851. Williams.	162	517	705
43	An act to authorize the Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc*. Lawrence.....	158	162	221
44	An act in relation to the names of persons residing in California. Williams.....	162		
45	An act amendatory of an act entitled an act to amend an act entitled an act to provide revenue for the support of the government of this State, approved April 29th, 1857, approved February 27th, 1858. Lamar.....	161		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
46	An act amendatory of, and supplementary to, an act passed April 29th, 1856, concerning estray animals. Goodman.....	161	485	
47	An act to grant A. P. Overton, and others whom he may associate with him, and their assigns, the right of laying a railroad track along certain streets in the city of Petaluma. Wilkins.....	161	658	
48	An act to provide for the payment of volumes twelve and thirteen of the reports of the Supreme Court of the State of California. Wilkins.....	161	469	574
49	An act to provide for the publication of the laws and decisions relative to the civil practice of this State, in force at the expiration of the eleventh session of the Legislature. Wilkins.....	161		
50	An act to amend an act entitled an act supplementary to an act entitled an act to incorporate the city of Sonora, approved March 9th, 1855, approved February 7th, 1857. Bailey of Tuolumne....	162	224	251
51	An act to amend an act entitled an act to authorize married women to transact business in their own names as sole traders, passed April 12th, 1852. Williams.....	162		
52	An act to extend an act to prevent stallions from running at large in the county of Sacramento, approved March 29th, 1359. Smith of S.	162	273	
53	An act to amend an act entitled an act to authorize the construction of certain wharfs, approved February 21st, 1859. Swan.....	162	227	251
54	An act to extend the time for the collection of State and county taxes in the county of Sonoma. Wilkins.....	161	161	222
55	An act to enable County Judges to alternate. Shelton.....	162		
56	An act to amend an act to regulate proceedings in civil cases, passed April 29th, 1851. Rogers of San Francisco.....	162		
57	An act to prohibit the sale and disposal of adulterated spiritous or alcoholic liquors, wines, or cider. Welty.....	162	403	647
58	An act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain street in the city and county of San Francisco, and to levy and collect tolls thereon. Babcock.....	191	223	251
59	An act for the payment of certain claims therein specified. Welty..	191		
60	An act to extend the time to the Tax Collector of the county of Napa to collect the taxes in said county and make his final settlement with the Auditor. Coombs.....	191	191	220
61	An act to appropriate money to pay R. A. Thompson and Ferris Forman for services and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six. Sawyer.....	196	408	522
62	An act to prohibit gaming. Johnson of Sierra.....	196	305	425
63	An act to appropriate money to pay N. H. Peterson. Malarin.....	196		
64	An act to appropriate money for the expenses incurred in the inauguration of Governor M. S. Latham and Lieutenant-Governor J. G. Downey. Johnson of Sierra.....	196	221	236
65	An act amendatory of an act entitled an act for the government and protection of Indians, passed April 22d, 1850. Burson.....	196	469	631

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
66	An act for the payment of the current and necessary expenses of the Pacific Railroad Convention. Rogers of San Francisco.....	196		
67	An act to repeal an act entitled an act for the protection of settlers, and to quiet land titles in this State, passed March 26th, 1856. Pate.....	196		
68	An act concerning the organization of the militia. Schmidt.....	207		
69	An act to amend an act supplemental to an act entitled an act to amend an act to regulate proceedings in civil cases, passed April 29th, 1851, approved February 21st, 1859, passed April 2d, 1859. Warner.....	207		
70	An act to enable Fernando G. F. Gallardo, son and heir of Felix Gallardo, deceased, to settle the unsettled estate of his father, for the benefit of the heirs of said deceased. Warner.....	207		
71	An act limiting the termination of proceedings of corporations in certain cases. Swan.....	207		
72	An act supplementary to an act entitled an act concerning conveyances, passed April sixteenth, 1850. Sawyer.....	207	609	740
73	An act to amend an act entitled an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to the State for school purposes, by act of Congress, passed March 3d, 1853, approved April 26th, 1858. Jenkins.....	207		
74	An act to fix the compensation of the District Attorney of the county of Contra Costa. Yager.....	213	260	272
75	An act to provide for the better observance of the first day of the week known as the Christian Sabbath. Patten.....	213		
76	An act to provide for taking the census of the State of California. Gwinn.....	216		
77	An act to amend an act entitled an act concerning the office of Secretary of State. King.....	216	295	
78	An act to extend the time for the collection of taxes in Mendocino County. Lamar.....	216	216	470
79	An act to amend an act entitled an act concerning crimes and punishments, passed April 16th, 1850, Bailey of Santa Clara.....	216		
80	An act fixing the compensation of the members of the Board of Supervisors of the county of Amador. Bowman.....	216	227	251
81	An act supplemental to an act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April 11th, 1859. Smith of Sutter.....	216	241	258
82	An act to create the county of Alturas, define the boundaries, and provide for the organization thereof. Johnson of Sierra.....	215	411	
83	An act concerning roads and highways in the counties of Alameda, and Santa Clara. Shattuck.....	215	296	
84	An act to authorize the Board of Supervisors of the city and county of Sacramento, to appropriate certain moneys in the city and county treasury, and in the city treasury, to the payment of the current expenses of the city and county, and the city, for the fiscal year, ending February 29th, 1860. Starr.....	216	270	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
85	An act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes by act of Congress, passed March 3d, 1853, and to appropriate the proceeds of the sale thereof, to the credit of the General School Fund. Beach.	223		
86	An act to grant the right to construct a bridge across the American River at its Mouth, to parties therein mentioned. Welty.....	223	281	370
87	An act to repeal an act entitled an act to provide for the permanent location of the Seat of Government of the State of California, at Sacramento City, passed February 25th, 1854, and to fix the same at the city and county of San Francisco. Maxson.....	222		
88	An act to provide for the publication of the general laws of the State of California in a single volume, and for the more thorough distribution of the same. Burson.....	223	447	
89	An act to change the name of Franklin Ralph Jones, to Franklin Ralph. Welty.....	223	274	
90	An act to amend an act entitled an act concerning crimes and punishments, passed April 16th, 1850. Johnson of Amador.....	223		
91	An act to appropriate money for the payment of General A. M. Winn, for military services. Welty.....	223		
92	An act to annex a portion of San Joaquin County to Stanislaus County. Walden.....	223	320	345
93	An act to establish and create a branch of the State Insane Asylum at the city of Marysville. Wescott.....	226		
94	An act in relation to the writ of *ne exeat*. Starr.....	426	628	
95	An act to create the county of Mokelumne, and to provide for its organization. Campbell.....	227		
96	An act to repeal an act entitled an act to amend an act to provide for the protection of foreigners, and to define their liabilities and privileges, approved April 19th, 1856, and to renew the act approved April 30th, 1855. Hugg.....	227		
97	An act amendatory of, and supplementary to, an act approved April 29th, 1857, to provide revenue for the support of the government of this State, from a tax to be levied and collected from foreign and inland bills and other matter. Yancey.....	227	536	713
98	An act to amend an act supplementary to an act entitled an act to fund the debt of Siskiyou County, approved April 29th, 1857, and amended and approved February 22d, 1858. McDermit.....	227	281	338
99	An act to create a State Police, and to define their powers and duties. Crowell.....	236		
100	An act to provide for the draining and reclamation of certain lands therein named. Gwinn.....	237		
101	An act to repeal an act entitled an act to authorize married women to transact business in their own names, as sole traders, passed April 12th, 1852. White.....	237		
102	An act to repeal all acts, or parts of acts, amendatory of an act entitled an act to establish a standard of weights and measures, passed March 30th, 1850. Stone.....	236		
103	An act for the relief of Moses Haynes, for the apprehension of			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
	Peter Lambard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County. Johnson of Sierra.....	237		
104	An act concerning roads and highways in the county of Nevada. Curtis.....	236	346	406
105	An act to grant the right to construct a bridge across the American River, at some point between Front and and Seventh streets, in the city of Sacramento. Welty.....	236	334	396
106	An act to amend an act, approved April 7th, 1857, entitled an act to amend an act entitled an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851, approved March 22d, 1856. Conn.....	236	281	
107	An act to provide for the collection of the delinquent taxes of the city of Sacramento for the year one thousand eight hundred and fifty-seven. Starr.....	236		
108	An act to relocate and fix the county seat of Sierra County. Halliday.....	241	368	
109	An act to amend an act to prevent the trespassing of animals upon private property, approved March 31st, 1855. Smith of Nevada..	241	407	
110	An act to grant the right to convey water in pipes to supply the people of Red Bluff. Stevenson.....	241	281	338
111 112	An act amendatory of, and supplementary to, an act entitled an act to provide for the protection of foreigners, passed March 30th, 1853. White.....	241		
	An act to release the sureties on a certain bond. Judiciary Committee.....	248	279	
113	An act to change the name of Mary Louisa Muller. Nevada Delegation.....	249	249	278
114	An act to repeal an act providing for the registration of marriages, births, divorces, and deaths, in California, approved April 26th, 1858; also, an act amendatory of, and supplementary to, an act entitled an act to provide for the registration of marriages, births, divorces, and deaths, in California, approved March 12th, 1859. Laspeyre.....	259	313	
115	An act to protect female children under seventeen years of age. Schmidt.....	259	346	396
116	An act for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State. Welty.....	259	455	
117	An act to amend an act entitled an act to repeal the act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento. Goodman.....	259	690	799
118	An act to confer further powers upon the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco, and to direct them to perform certain acts therein named. Schmidt.....	259		
119	An act appropriating money for the construction of a wagon road. Bell.....	259		
120	An act in relation to mining copartnerships. Hayes.....	259	372	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
121	An act to fix the terms of the County Court and Court of Sessions of the county of Nevada. Smith of Nevada	259	288	338
122	An act to amend an act entitled an act concerning the office of County Assessors, passed March 31st, 1850. Howe	264	320	409
123	An act to extend the time for the Collectors of the counties of Sutter and Napa to collect the taxes of said counties, and to make their final settlement with the Auditor. Coombs	264	264	272
124	An act to authorize J. C. Cissna to construct a breakwater and wharf at the port of San Luis Obispo, and providing for the same. Henry	260	428	685
125	An act amendatory of section one of an act concerning roads and highways, passed April 28th, 1855. Lambert	268		
126	An act amendatory of an act concerning the eighth, ninth, and fifteenth judicial districts of this State, and the judges thereof, approved March 31st, 1857. McDermit	268	321	
127	An act to authorize Charles B. Polhemus, John Center, Robert Allen, John Perry, Jr. and W. Southwick, their associates and assigns, to construct and keep in repair a certain street in the city and county of San Francisco, and to levy and collect tolls thereon. Rogers of San Francisco	268	570	706
128	An act to amend an act to regulate proceedings in civil cases, passed April 29th, 1851. Rogers of San Francisco	267		
129	An act to amend an act amendatory of an act concerning roads and highways, passed April 19th, 1856, and to make applicable in so far as the counties of Trinity and Butte are concerned. Lawrence	368	301	
130	An act for the relief of witnesses in criminal cases in the city and county of Sacramento. Goodman	268	313	
131	An act concerning roads and highways in the counties of Humboldt, Napa, and Siskiyou. Burton	272	292	345
132	An act to amend section two of an act entitled an act to provide for the appointment of Deputy County Treasurer, approved May 15th, 1854. Hundley	273	321	
133	An act to separate the office of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk in Nevada County. O'Connor	273		
134	An act to confirm and legalize the assessments rolls or tax lists of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same. Shelton	273	320	338
135	An act to amend an act entitled an act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed May 15th, 1854. Rogers of San Francisco	273		
136	An act providing for the preparation of a code of laws for this State. Johnson of Amador	273		
137	An act to authorize the Executrix of the estate of William Hart, deceased, to sell real estate of the testator at private sale. Sawyer	272	303	396
138	An act to amend an act entitled an act amendatory of section four of an act concerning divorces, passed March 25, 1851, approved April 1st, 1853. Rogers of San Francisco	273	321	

ASSEMBLY BILLS.

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
139	An act to amend an act entitled an act to prohibit lotteries, raffles, gift enterprises, and other schemes of a like character, approved April 10, 1855. Sawyer	272		
140	An act to amend an act entitled an act amendatory of, and supplementary to, an act entitled an act concerning crimes and punishments, passed April 16th, 1850, passed April 27th, 1855. Yancey	272		
141	An act to regulate the fees of office in Sierra County. Johnson of Sierra	280	372	
142	An act to authorize Robert Haley and J. G. Oldner to construct a wharf at the foot of Third Street in the city and county of San Francisco. Schmidt	279	569	798
143	An act to provide for the conveyance of mining claims. Johnson of Amador	279	431	
144	An act granting leave of absence from the State to Thomas H. Hanson. Lewis	279		
145	An act to authorize the Board of Supervisors of Siskiyou County to transfer certain funds. McDermit	279	279	338
146	An act in relation to the Mountain Lake Water Company. Tilton	279	367	
147	An act supplementary to an act entitled an act to incorporate the city of Placerville. Conness	279	334	
148	An act to amend an act entitled an act to amend an act to establish the pay of officers and employés of the Senate and the Assembly, and to repeal existing laws relative thereto, approved April 26th, 1858, which act was approved January, 1859. O'Connor	279		
149	An act to repeal an act entitled an act to establish a standard of weights and measures, passed March 30th, 1850, and the several acts amendatory thereto. Howe	288		
150	An act to amend an act entitled an act concerning conveyances, passed April 16th, 1850. Sawyer	288		
151	An act supplementary to an act entitled an act concerning conveyances, passed April 16th, 1850. Yager	288		
152	An act to amend an act entitled an act to regulate the settlement of the estates of deceased persons. Goodman	288		
153	An act fixing the time of holding the Court of Sessions, and County Court, in the county of Sacramento. Starr	288	314	
154	An act to fix the compensation of the County Judge, and District Attorney, of Sierra County. Johnson of Sierra	288	334	
155	An act to legalize the official acts of Hiram R. Hawkins and James T. Stuart, as County Clerks of Placer County, and for other purposes. Lovell	288	295	338
156	An act concerning the office of County Clerk of Nevada County O'Connor	288		
157	An act to provide for settling the boundary line between the counties of Sierra and Plumas. Hundley	291	346	
158	An act to extend the time for the collection of taxes in the County Plumas. Hundley	292	292	333

Number	TITLE.	Introduced...	Passed Assembly	Passed Senate .....
159	An act to amend an act entitled an act concerning roads and highways in the counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, passed April 19th, 1859. Goodman.....	291		
160	An act to repeal an act entitled an act to provide for holding the January Term of the District Court in the Seventeenth Judicial District, in the county of Plumas. Shannon	291	313	397
161	An act to repeal an act entitled an act to provide for the permanent location of the seats of justice in the several counties of this State, passed April 11th, 1850, and all amendments thereto. Hundley.....	292	426	
162	An act to regulate Pawnbrokers in this State, and to define their liabilities. Howe	305	502	
163	An act to confer further powers upon the Board of Education, and the Auditor, and Treasurer, of the city and county of San Francisco; also, amendatory of an act approved April 23d, 1858, entitled an act to confer further powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned. Theller	305	431	
164	An act to repeal an act entitled an act to fix the compensation of the Tax Collector of the county of El Dorado, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said county, and to order the payment of certain county warrants issued by the County Auditor of said county, approved March 2d, 1859. Conness	305		
165	An act to define the boundary line of Yuba County. Crowell.....	312		
166	An act to provide for the better maintenance of the indigent sick of Calaveras County. Wilson	312		
167	An act to amend an act entitled an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1858, approved April 7th, 1857. Swan.....	312		
168	An act concerning partition fences. Warner.....	312		
169	An act to authorize the construction of wagon roads over mountains within the State of California by joint stock companies. McDermit.....	312		
170	An act to authorize the formation of joint stock associations for savings, deposits, and discounts. Sawyer.....	319		
171	An act to prevent the stealing of dogs. Babcock.....	320	372	429
172	An act to amend article nine hundred and seven of the Practice Act as compiled in Wood's Digest. Welty.....	320		
173	An act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their compensation in the county of El Dorado. Dunlap.....	320	541	771
174	An act to amend section thirty-five of an act entitled an act to repeal an act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory thereto, and to incorporate the city and county of Sacramento, approved April 24th, 1858. Welty.....	320		
175	An act to amend an act to provide for the protection of foreigners and to define their liabilities and privileges. Hundley.....			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
176	An act supplementary to an act entitled an act to authorize the sale of certain real estate by Guardians, approved March 28th, 1859. Welty	320	447	
177	Proposed amendments to the Constitution. Smith of Nevada	262		
178	An act to compensate William Greenhood for translating certain laws and resolutions of the tenth session of the Legislature into the Spanish language. Committee on Claims	331	403	
179	An act supplementary to an act for the incorporation of water companies, approved April 22d, 1858	333	595	
180	An act for the relief of Wm. H. Brown. Rogers of San Francisco.	333		
181	An act to appropriate money for the payment of a claim held by B. F. Hastings. Ellis	333	579	756
182	An act to amend an act to define the boundaries, and provide for the organization of Mendocino County, approved March 11th, 1859. Burson	333		
183	An act to repeal the ninth chapter of an act entitled an act concerning corporations, approved April 22d, 1850. Johnson of Sierra	334		
184	An act to authorize the issuance of duplicates for certain lost School Land Warrants. Welty	334	443	686
185	An act to provide for the correct report and publication of the decisions of the Supreme Court. Williams	334		
186	An act concerning the offices of Tax Collector and Treasurer of the city and county of San Francisco. Pate	334		
187	An act to create a Special School Fund, and to provide for the collection of the same. Crowell	339		
188	An act amendatory of an act entitled an act to amend an act to provide revenue for the support of the government of this State, passed May 15th, 1854, approved April 17th, 1855. Lamar	339	401	
189	An act to authorize the sale of the real estate of the late Joel Allen, deceased. Bailey of Tuolumne	339	373	
190	An act to amend an act entitled an act to define the boundaries and provide for the organization of Mendocino County. Lamar	339	403	
191	An act to change the name of Charles Pearce to Charles Greenwich Howard. Tilton	339	401	440
192	An act to provide for the construction of a railroad from a point on Petaluma Creek into the city of Petaluma, and for the right of way for the same. Wilkins	339	617	686
193	An act to amend an act entitled an act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in criminal cases in this State, passed May 1st, 1851, passed April 22d, 1858. Rogers of San Francisco	339	386	
194	An act to authorize and require the Board of Supervisors of Sierra County to audit and allow the claims of Moses Haynes for services rendered in arresting a fugitive from justice. Johnson of Sierra	346	475	
195	An act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of Sacramento. Welty	346	558	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
196	An act for the payment of J. Bithell. Committee on Claims.....	342	359	409
197	An act to authorize the Board of Supervisors of the city and county of San Francisco to convey certain property to the State of California, and to make and issue certain bonds. Sawyer.....	350		
198	An act for the relief of J. W. Marshall, the discoverer of gold in California. Laspeyre.....	357		
199	An act to legalize certain records of the county of San Bernardino, and concerning the County Recorder of said county. Conn.....	357	357	
200	An act to establish the rule of evidence to be observed in the courts of this State, in certain cases concerning title to lands. Gwinn..	356		
201	An act to change the time for holding municipal elections in the city and county of San Francisco, and to define the official terms of certain officers therein mentioned. Tilton.....	357		
202	An act abolishing the office of County Assessor, and establishing the office of Township Assessors in the County of Calaveras. Gallagher.....	356	437	
203	An act to prevent the closing up of public highways where the same cross streams that become dry and fordable at any season of the year throughout the State. Goodman	356	533	705
204	An act to fix the compensation of the County Judge of Tuolumne County. Yancey	356	376	
205	An act amendatory of, and supplemental to, an act entitled an act to establish Pilots and Pilot regulations for the port of San Francisco, passed May 11th, 1854, and of the several acts amendatory thereof. Theller.....	357		
206	An act amendatory of, and supplementary to, an act authorizing the Guardian or Guardians of certain minors to sell and dispose of their real estate and chattels real, approved April 8th, 1859. Welty	357		
207	An act amendatory of an act entitled an act to provide for the appointment and prescribe the duties of Guardians, passed April 19th, 1850. Burson	357	456	
208	An act authorizing Gabriel Allen, John S. Griffen, James B. Winston, and J. C. Welch, to build and construct a turnpike road from the Ex-Mission of San Fernando to the Arroyo de Santa Clara, in Los Angeles County. King.....	357	628	
209	An act to provide for the improvement of the navigation of the San Joaquin River. Theller.....	257	515	
210	An act to amend an act entitled an act to incorporate the city of Oakland, passed March 25th, 1854. Shattuck.....	367	357	
211	An act to authorize the Trustees of Petaluma School District to levy a tax for certain purposes. Laspeyre.....	363	436	
212	An act to exempt persons who are, or may hereafter become, members of a fire company from the payment of a poll tax. Welty..	363	610	
213	An act to provide for recording notice of claims to private land grants in this State. Coombs.....	363	533	706
214	An act for the relief of W. J. Paugh, Sheriff of the county of Amador. Johnson of Amador.....	363		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
215	An act to fund the debt of the county of Sonoma and provide for the payment of the same. Wilkins	366	366	429
216	An act amendatory of an act to amend an act entitled an act concerning the office of Secretary of State, passed May 4th, 1854, passed March 26th, 1859. Laspeyre	366	609	
217	An act supplementary to an act for the formation of corporations for certain purposes, approved April 14th, 1853. Lambert	366	401	
218	An act for the better protection of mining claims in this State. Lambert	366		
219	An act to establish Teachers' Institutes. Dunlap	366		
220	An act to provide for the distribution of books and pamphlets published by, and under the authority of the State, and to encourage the establishment of Public Libraries. Pate	366		
221	An act to provide for the payment of certain claims against the city of Sacramento, by a duplicate issue of certain bonds of said city. Welty	367	625	
222	An act amendatory of an act to amend an act entitled an act to amend an act providing for the permanent location of the seats of justice in the several counties, passed May 13th, 1854, passed February 1st, 1855. Wilkins	367	447	
223	An act to amend an act entitled an act to regulate the estates of deceased persons, approved May 1st, 1851. Swan	366	456	648
224	An act to provide for the construction of the State Capitol in the city of Sacramento. Conness	366	522	575
225	An act to prevent counties and the State from becoming burdened with the support of paupers, who are disqualified under the laws of the United States to become naturalized citizens. Gallagher.	366		
226	An act to authorize the American River Water and Mining Company, to extend their works to, or near the city of Sacramento, in the county of Sacramento, for the purpose of supplying the inhabitants of said county with water for irrigating, mechanical, manufacturing, and other purposes, for which the same may be required. Beach	371		
227	An act to provide for the care of non-resident patients in the Hospitals of the city and county of San Francisco. Tilton			
228	An act fixing the salary of the Register of the State Land Office.	371	502	740
229	An act to provide for the correct report and publication of the opinions of the Supreme Court. Wilkins	371		
230	An act in relation to the Indians. Warner	371		
231	An act appropriating moneys for the benefit of the Home for the care of the Inebriate, in the city and county of San Francisco. Sawyer	374		
232	An act to regulate fees of office in Mariposa County. Hammond	385	537	
233	An act amendatory of, and supplementary to, an act to establish, support, and regulate, common schools, and to repeal former acts concerning the same, approved May 3d, 1855. Lambert	385	579	686
234	An act to authorize Francis Schultze, Chancellor Hartsen, and such			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
	others as they may see fit to associate with themselves, to build a wharf at the foot of Main Street, in Napa City, in the county of Napa. Coombs	385	436	
235	An act to authorize the Board of Supervisors of Tehama County to levy a certain tax, and to create a Contingent Fund. Stevenson.	385	385	402
236	An act amendatory of an act entitled an act amendatory of, and supplementary to, an act to establish, regulate, and support, common schools, and to repeal former acts concerning the same, approved May 3d, 1855, approved March 28th, 1857. Lambert	385		
237	An act creating a Contingent Fund for the County of Tuolumne. Howe	392	397	409
238	An act to authorize the Board of Supervisors of the city and county of Sacramento to allow, and the Auditor to audit, a claim of Thomas C. Faris. Goodman	391	487	673
239	An act to change the names of certain persons therein named. Johnson of Amador	397		
240	An act to define the boundaries of the county of Marin. Sawyer...	397	536	704
241	An act to further amend an act relating to marriages, passed April 22d, 1850. Warner	397		
242	An act to create a Board of Water Commissioners in the county of Merced and define their duties. Jenkins	397	578	633
243	An act for the relief of purchasers of swamp and overflowed lands, school lands, and other lands, from the State of California. Welty	400		
244	An act to regulate the care and maintenance of the indigent sick in and for the county of Yuba. Wescott	400	428	616
245	An act to change the name of Chalkly P. Lolor to Charles P. Lolor. Babcock	400		
246	An act amendatory of an act to authorize the formation of corporations for constructing plank or turnpike roads, passed May 12th, 1855. Curtis	408	609	
247	An act to prohibit the sale of Chinese persons of either sex. Welty.	408		
248	An act to change the name of Edward Goetz. Shannon	407		
249	An act to legalize an order of the Board of Supervisors of the county of Santa Cruz, and all the proceedings had thereunder and dependent thereon. Halsted	407	407	
250	An act concerning the office of Assessor of Klamath County. Daggett	407	407	499
251	An act to amend an act entitled an act concerning courts of justice and judicial officers, passed May 19th, 1853. Welty	407	609	
252	An act to amend an act entitled an act concerning roads and highways in the counties of Humboldt, Napa, and Siskiyou, approved February 22d, 1860, and to extend the same to the county of Sonoma. Wilkins	407	407	
253	An act amendatory of an act entitled an act for the relief of purchasers of lands from the State of California, passed April 8th, 1859. Walden	407		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
254	An act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in civil cases in the courts of justice in this State, passed April 29th, 1851, and the several acts amendatory thereto. Bailey of Tuolumne	407		
255	An act to provide for the improvement of the harbor of the city and county of San Francisco. Rogers of San Francisco	413		
256	An act to repeal an act entitled an act granting the consent of the Legislature fo the formation of a different government for the southern counties of this State, approved April 18th, 1859. Conness	413		
257	An act to regulate the fees of the County Clerk of Los Angeles County. King	413	560	648
258	An act to provide for a convention to revise and change the Constitution of this State. Kungle	427		
259	An act to authorize the appointment of a Surveyor of cord-wood and coal for the city of San Francisco, and defining his duties. Rogers of San Francisco	435		
260	An act supplementary to an act concerning crimes and punishments, which took effect May 6th, 1850. Williams	435	506	
261	An act to enable a minor therein named to partition or sell real estate. Shattuck	435	502	
262	An act to declare the effect of decrees of divorce from bed and board. Wilkins	435	608	
263	An act supplementary to an act entitled an act to regulate the estates of deceased persons, passed May 1st, 1851. Rogers of San Francisco	435	483	
264	An act to amend an act entitled an act supplementary to an act entitled an act to amend an act to establish an asylum for the insane of the State of California, approved May 17th, 1854, approved April 15th, 1859. Rogers of San Francisco	435	502	
265	An act supplemental to an act passed March 27th, 1850, entitled an act concerning the office of County Assessor. Heston	435		
266	An act to authorize Erastus M. Walker of San Joaquin County, California, to sell certain lands in St. François County, Missouri, held by him in trust for Louisa Walker his wife, now deceased, and his children William A. Walker, Jefferson A. Walker, Louisa E. Walker, Mary A. Walker, and Erastus B. Walker. Laspeyre	435		
267	An act to establish the University of California. Bailey of Santa Clara	435		
268	An act amendatory of, and supplementary to, an act concerning hogs running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21st, 1856. Wilkins	435		
269	An act to authorize the sale of real estate of the late William P. Hartnell, deceased. Maiarin	441	505	
270	An act to fix the compensation and mileage of Treasurers in the counties of Santa Clara and Sonoma, and to regulate the time of settlement by them with the Controller and Treasurer of State. Wilkins	441	610	800

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
271	An act to fix the time of holding the County Court, and Court of Sessions in Solano County. Swan	441	441	470
272	An act to amend an act entitled an act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March 20th, 1855. Johnson of Sierra	441	569	632
273	An act to amend an act concerning courts of justice and judicial officers, passed May 19th, 1853. Rogers of San Francisco	441		
274	An act to encourage the San Joaquin District Agricultural Society. Laspeyre	441		
275	An act to extend the time for the collection of taxes in the county of San Luis Obispo. Henry	444	501	
276	An act to authorize certain counties to retain the State's portion of the poll tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said counties for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the construction and improvement of a wagon road from La Porte to Jamison City. Johnson of Sierra	452		
277	An act to repeal an act entitled an act to encourage the supply of fresh water on the desert west of Fort Yuma, approved April 15th, 1859. Groom	455		
278	An act for the relief of Joseph Summers, and to authorize the Trustees of Benicia to pay him his claim against the late city of Benicia. Swan	453	532	
279	An act to change the name of Moses C. Philipowski to that of Moses C. Phillips. McDermit	453		
280	An act to amend an act entitled an act concerning the office of Surveyor-General. Wilkins	452	610	
281	An act supplemental to an act entitled an act to provide revenue for the support of the government of this State, approved April 26th, 1859. Shattuck	452	578	
282	An act to amend an act passed May 4th, 1852, entitled an act for the relief of insolvent debtors, and protection of creditors. Starr	452	621	
283	An act to authorize the Board of Trustees of the city of Sonora to levy a special tax for the benefit of the Fire Department. Bailey of Tuolumne	452	558	603
284	An act to provide against fraud in the collection of debts. Bailey of Tuolumne	452		
285	An act amendatory of an act to provide for the incorporation of railroad companies, approved April 22d, 1853. Williams	452		
286	An act to abate public nuisances. Harville	452	776	
287	An act to repeal an act extending the privileges of the homestead law to certain persons, and to regulate the creation of the same, passed at the eleventh session. Williams	452	637	
288	An act to amend an act entitled an act to provide for the incorporation of railroad companies. Lawrence	452		
289	An act relating to the sureties upon the official bonds of S. A. McMeans, late State Treasurer. Williams	467	537	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
290	An act concerning a free foot-bridge across the Mokelumne River, at some point between the towns of Lancha Plana and Poverty Bar. Johnson of Amador	468		
291	An act to provide for the settlement of all claims against the State of California arising out of, or connected with, the contract made on the twenty-sixth day of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the lease of the State prison and convict labor, and to procure the cancellation of said contract and the surrender of the State prison to the State. State Prison Committee	471	683	
292	An act to change the time of holding the District Court within the Third Judicial District. Williams	472	485	498
293	An act amendatory and supplementary to, an act entitled an act to repeal the several charters of the city and county of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof, approved April 19th, 1856, and the several acts amendatory thereof. Theller	473		
294	An act to abolish the office of Quartermaster-General. Bailey of Tuolumne	475		
295	An act to allow the claim of Daniel McLaren. King	474	658	
296	An act to change the name of Irvin Blanco to that of Yves le Blanco. Haliday	474	558	
297	An act to amend an act concerning hogs running at large in certain counties, passed April 21st, 1856. Malarin	474	694	
298	An act conferring further powers on the Board of Supervisors of the city and county of San Francisco. Babcock	474	536	
299	An act concerning taxes in Monterey County. Malarin	474	569	
300	An act to incorporate the city of Los Angeles. Warner	473	480	725
301	An act to appropriate money for the relief of destitute females in San Francisco. Conness	473		
302	An act to amend an act entitled an act for the protection of game, passed May 13th, 1854. Conness	473		
303	An act to define the boundaries, and provide for the organization of Lake County. Gwin	482		
304	An act to regulate the salary of the County Judge of Mariposa County. Hammond	482	578	781
305	An act to amend an act entitled an act to provide revenue for the support of the government of this State, approved April 29th, 1857. Welty	482		
306	An act to define and establish the boundary line of Stanislaus County. Walden	482		
307	An act for the payment of expenses incurred in the suppression of Indian hostilities in the county of Mendocino, in this State. Lamar	482	572	632
308	An act to provide for writs of assistance. Welty	482		
309	An act to amend an act entitled an act concerning roads and high-			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
	ways, in the counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April 19th, 1859. Bailey of Tuolumne.....	500		
310	An act to amend an act entitled an act to amend an act entitled an act to provide revenue for the support of the government of this State, approved February 27th, 1858. Johnson of Sierra.....	500		
311	An act to amend an act concerning courts of justice and judicial officers, passed May 19th, 1853. Rogers of San Francisco.....	500	579	
312	An act supplementary to an act entitled an act for the protection of game, passed May 13th, 1854. King.....	500	602	
313	An act to authorize R. P. Andrews, the Administratrix of the estate of John Andrews, deceased, to sell the real estate of said deceased at private sale. Gallagher.....	501	521	554
314	An act to change the name of Francis S. Park, to Francis Sylvester. Malarin.....	501		
315	An act to extend the provisions of an act entitled an act to change the time of holding the courts in Yolo County, approved February 20th, 1857. Walden.....	501	578	
316	An act concerning the office of Public Administrator in Solano County. Swan.....	501	578	
317	An act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1857. Goodman.	500	578	
318	An act to provide for the election of a Board of Supervisors in the county of El Dorado, and to define their powers and duties, and to provide for their compensation. Conness.....	500	680	
319	An act to authorize the sale of certain real estate by Guardians.....	500	571	593
320	An act concerning the officers of Placer County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county. Makins.....	500		
321	An act to authorize José de Jesus Pico, to sell certain lands in San Luis Obispo County, belonging to his infant children. Henry....	500	579	632
322	An act to authorize Daniel Sink and his associates to construct a turnpike road. Lamar.....	500	536	687
323	An act to change the manner of collecting foreigh miners' tax in the county of El Dorado. Patten.....	500		
324	An act to provide for the survey and segregation of the swamp and overflowed lands donated to the State under the act of Congress of September 28th, 1850, entitled an act to enable the State of Arkansas and other States to reclaim the swamp land within their limits. Conness.....	500		
325	An act to enable the State of California to accept the swamp and overflowed land within her limits in accordance with the provisions of an act of Congress entitled an act to enable the State of Arkansas and other States to reclaim the swamp and overflowed land within her limits, approved 28th September, 1850. Gwinn..	500		
326	An act for the relief of Peter H. Burnett. Williams.....	509	594	781
327	An act amendatory of an act defining the legal distances from each county seat to the capitol, Lunatic asylum, and State prison, approved April 24th, 1858. Smith of Sutter.....	511	619	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
328	An act to change the name of George Reisa to that of Thomas Smith. Johnson of Sierra	511		
329	An act to provide for the segregation and selection of swamp and overflowed lands. Laspeyre	511		
330	An act to amend an act amendatory of, an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April 25th, 1857, approved April 7th, 1859. Lamar	529		
331	An act amendatory of an act entitled an act concerning roads and highways in the counties of Tuolumne, San Joaquin, Plumas, and Siskiyou. O'Rear	529		
332	An act to provide for the duplicate issue of certificates of lands purchased from this State in all cases where the originals have been lost or destroyed. Welty	529	678	
333	An act to appropriate money for the payment of small accounts due from the Insane Asylum. Laspeyre	529	618	
334	An act to provide for the disposal of lots in the towns and villages on the public lands in Mendocino County. Lamar	529	570	
335	An act to declare certain rivers within the county of Mendocino navigable. Lamar	529		
336	An act to authorize the Surveyor-General of the State of California to run out and mark the boundary lines between the territories of the United States and the State of California. Hundley	528		
337	An act to create the office of State Marshal, define the duties, and fix the compensation thereof. Crowell	528		
338	An act to incorporate the city of Santa Barbara. Covarrubias	532	619	
339	An act to regulate fees in office in the county of Yuba. Wescott	532	546	
340	An act to enable the county of Placer to subscribe for stock to the Sacramento, Placer, and Nevada, Railroad. Lovell	532	777	
341	An act concerning the payment of poll-taxes. Warner	532		
342	An act fixing the time at which Representatives in Congress shall be elected. Kungle	532		
343	An act to define the boundary lines of the county of Amador. Johnson of Amador	537		
344	An act to create the county of Marshall, define its boundaries, and provide for the organization and government thereof. Stone	537		
345	An act to amend the fifth section of an act to provide revenue for the support of the government of this State, passed April 29th, 1857. Goodman	541		
346	An act to exempt the real estate and personal property belonging to the Santa Clara Valley Agricultural Society from taxation. Smith of Nevada	541		
347	An act to define the time for commencing certain actions. Heston.	541		
348	An act to change the name of Richard Baldock to Richard Baldock Loder. Maxson	541		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
349	An act to amend an act entitled an act to prevent stallions from running at large in the county of Sacramento. Heston.....	541	541	
350	An act to provide for the compensation of the Keeper of the county jail in the county of Trinity and the payment for such services from the first day of November, one thousand eight hundred and fifty-eight. Lawrence.....	541	541	
351	An act making appropriations for deficiencies for the eleventh fiscal year ending thirtieth June, one thousand eight hundred and sixty. Lamar.....	543	543	
352	An act to provide for the payment of the expenses of the State prison. Williams.....	557		
353	An act to provide for making compensation to John F. McCauley for the personal property taken and appropriated to public use. Williams.....	557		
354	An act to authorize John F. McCauley and Lloyd Tevis to sue the State of California. Williams.....	557		
355	An act to provide for the pay of troops called out by the Governor of the State to quell insurrection in the year one thousand eight hundred and fifty-six. Sawyer.....	558	723	
356	An act to extend the time for collecting taxes in the county of Nevada. Curtis.....	558	558	
357	An act to authorize the Guardian of certain minors to sell their real estate. Gwinn.....	557	557	
358	An act to provide for the payment of bounties for the destruction of wild animals. Hundley.....	558		
359	An act to provide for a survey of the harbor of San Francisco. Phelps.....	558		
360	An act to incorporate District Agricultural Societies, and to repeal an act to incorporate the State Agricultural Society, passed May 13th, 1854. Laspeyre.....	558		
361	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Sawyer.....	560	629	
362	An act to provide for the care of inebriates. Burson.....	558		
363	An act supplementary to an act entitled an act to confer further powers upon the Board of Education, Auditor, and Treasurer, of the city and county of San Francisco, approved March 15th, 1860. Rogers of San Francisco.....	567	628	647
364	An act to exempt certain classes of persons from paying tolls on bridges, roads, and ferries, in this State. Goodman.....	568	628	
365	An act amendatory of an act concerning the office of County Clerk, Sheriff, and County Recorder, in the city and county of San Francisco, approved March 7th, 1859. Tilton.....	568	627	756
366	An act appropriating money for the relief of the Roman Catholic Orphan Asylum. King.....	568		
367	An act to enable the county of Shasta to construct a road across the Whisky Creek Divide. White.....	568		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
368	An act to repeal an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, and approved April 15th, 1858, and to re-enact the several sections which that act amended. Starr.....	568		
369	An act amendatory of an act concerning Notaries Public, passed April 30th, 1857, and amended and approved March 16th, 1859. McDermit.....	568	652	
370	An act to change the name of Owen Owens. Dunlap.....	568		
371	An act to authorize the Board of Supervisors of the city and county of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay the claims of certain persons therein mentioned. Babcock.....	568	577	616
372	An act to repeal an act for the government of the State prison convicts, and to provide for the location of a branch prison, approved April 24th, 1858. Laspeyre.....	568		
373	An act to authorize the Tax Collector of Mendocino County to receive county warrants issued after the date of the approval of this act in payment of county taxes. Lamar.....	568	568	
374	An act to amend act of April 28th, 1855, concerning public ferries and toll-bridges, and all acts amendatory of, and supplementary thereto. Johnson of Amador.....	568		
375	An act to further define the jurisdiction of Justices of the Peace. Johnson of Amador.....	568		
376	An act supplemental to an act entitled an act concerning conveyances, passed April 10th, 1850. Sawyer.....	567		
377	An act concerning primary elections. Sawyer.....	567		
378	An act to authorize the Administrator of the estate of Charles White, deceased, to sell and convey real estate. Williams.....	567	567	603
379	An act concerning aliens. Sawyer.....	567	634	
380	An act to provide for the opening of a channel across the bar at the mouth of San Antonio Creek. Shattuck.....	567	567	603
381	An act concerning the infant heirs of Bernardo Yorba, deceased. King.....	568	633	
382	An act to amend an act amendatory of an act entitled an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, approved April 15th, 1858, approved March 16th, 1859. Lamar.....	567	687	756
383	An act concerning the salary of the Judge of the Twelfth District Court. Sawyer.....	567	628	
384	An act for the election of Justices of the Peace in and for the city and county of San Francisco. Sawyer.....	567		
385	An act concerning goats found running at large in the county of Sacramento. Welty.....	568		
386	An act to authorize the Treasurers of certain counties of this State to retain one-half of the State's portion of the taxes collected in those counties, for purposes of internal improvement. Williams.....	567		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
387	An act to grant the right to construct a bridge across Middle Eel River, Mendocino County, at, or near, the crossing of the Weaverville trail, to certain parties therein named. Burson.....	567	658	
388	An act to repeal all acts and parts of acts amendatory of, or supplementary to, an act entitled an act to establish a standard of weights and measures, passed March 30th, 1850. Stone.....	576		
389	An act to legalize the duplicate assessment list of Los Angeles County. King.....	576	576	632
390	An act to authorize the Board of Supervisors of Contra Costa County to appropriate money to the use of the Contra Costa County Agricultural Society. Yager.....	576	576	
391	An act to authorize the funding the outstanding debt of the county of Los Angeles, and to provide for the payment of the same.	576		
392	An act to authorize C. E. McNair and John B. Cooper to construct wharfs at the foot of Union and Lombard streets, in the city and county of San Francisco. Babcock.....	576		
393	An act authorizing the levy of a special tax in the county of Los Angeles. King.....	576	634	
394	An act to amend an act creating a Board of Commissioners, and the office of Overseer in each township of the several counties of this State, to regulate water-courses within their respective limits, passed May 15th, 1854. Stevenson.....	576	617	
395	An act to anthorize and require the Tax Collector of the county of Marin to receive warrants and scrip issued for county indebtedness of said county in payment for taxes levied for county purposes. Lewis.....	583	583	
396	An act to incorporate the town of La Porte. Johnson of Sierra ..	583	583	
397	An act to legalize the acts of the Public Administrator of the county of Yolo. Gwinn.....	605	605	
398	An act to improve the navigation of the San Joaquin River. Campbell.....	605		
399	An act to authorize the Board of Supervisors of the city and county of San Francisco to pay certain claims. Tilton.....	605	641	
400	An act to provide for the survey and improvement of the harbor of San Francisco. Williams.....	604		
401	An act to provide for the better collection of foreign miners' licenses. Johnson of Amador.....	604	637	
402	An act to authorize the Guardians of Alice Marsh to sell personal property at private sale. Yager.....	605	605	632
403	An act to amend an act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, passed April 21st, 1855. Laspeyre.....	604		
404	An act granting apppeals from the Board of Supervisors to the County Court in Contra Costa County. Yager.....	604	776	799
405	An act for the relief of certain persons therein named. Wilkins...	604		
406	An act to amend an act concerning roads and highways in certain counties therein named, approved April 22d, 1860. Yager.....	605	696	756

ASSEMBLY BILLS.

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
407	An act for the benefit of married women. Beach.....	604		
408	An act to incorporate the town of San Juan, in Monterey County. Malarin.....	608		
409	An act to authorize A. W. McPherson, and those whom he may associate with him, to construct wharfs and place moorings in certain rivers in this State. Lamar.....	608	608	
410	An act to authorize the Executrix of the estate of William B. Olds, deceased, to sell real estate of her testator at private sale. Rogers of San Francisco.....	608	657	685
411	An act for the relief of the sureties upon the official bonds of Jesse Wells, late Treasurer of Humboldt County. Burson.....	608	667	
412	An act to amend an act entitled an act dividing the State into counties, and establishing the seats of justice therein, passed April 25th, 1851, amended March 31st, 1854, and further amended April 21st, 1856. Smith of Sutter.....	608		
413	An act to provide for the issuance and payment of bonds for expenses incurred in the suppression of Indian hostilities in certain counties in this State. McDermit.....	608	720	772
414	An act amendatory of, and supplementary to, an act to regulate proceedings in civil cases, passed April 29th, 1851. Rogers of San Francisco.....	617	696	
415	An act to amend an act entitled an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April 24th, 1858. Wescott.....	617	697	713
416	An act to authorize the county of Nevada to retain the State's portion of the poll tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the foreign miners' license tax, which shall be collected in the said county for the year one thousand eight hundred and sixty, and the year one thousand eight hundred and sixty-one, to be applied to the construction and improvement of a certain wagon road over the Sierra Nevada. Hayes.....	618	618	
417	An act amendatory of, and supplementary to an act approved March 7, 1860, entitled an act to prohibit gaming. Lawrence.....	618	697	
418	An act supplemental to an act entitled an act to authorize the Board of Supervisors of the county of Yuba, to take and subscribe two hundred thousand dollars to the capital stock of a railroad company, and to provide for the payment of the same, and other matters relating thereto, approved April 28th, 1857. Wescott.....	618	623	
419	An act to define and limit the time in which civil judgments may be enforced. Burson.....	617		
420	An act to grant the right of way, and to authorize certain persons therein named, to lay down and maintain a railroad track within the limits of the city and county of San Francisco, and to run cars thereon. Phelps.....	617		
421	An act for the relief of purchasers of swamp and overflowed lands, and other school lands belonging to this State. Jenkins.....	625	660	
422	An act to amend an act to alter and define the boundary line of Tehama County, approved 19th April, 1859. Stevenson.....	625		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
423	An act for the relief of John F. Carey, Treasurer of Klamath County. Daggett	625	801	
424	An act to amend an act concerning the courts of justice of this State and judicial officers, passed May 19th, 1853. Tilton	625		
425	An act to define and regulate the relation between landlord and tenant. Bailey of Tuolumne	624		
426	An act to amend an act entitled an act to provide revenue for the support of the government of this State, and the several acts amendatory and supplementary thereto. Bailey of Tuolumne	624		
427	An act to change the name of Henry Auguste Murrey to Guy Lewis Murrey. Wescott	645		
428	An act to extend the time for collecting taxes in the county of Santa Cruz. Halsted	625	625	
429	An act making appropriation for deficiency in appropriation made for clerk hire in Attorney-General's office for the eleventh fiscal year. Gwinn	633	633	648
430	An act to amend an act entitled an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda, approved April 6th, 1858. Laspeyre	633	633	
431	An act concerning apprentices and servants. Williams	633	633	
432	An act concerning District Court Reporters for the fourth, sixth, and twelfth judicial districts. Sawyer	633		
433	An act prescribing the mode of appointing Auctioneers and defining their duties. Johnson of Sierra	638		
434	An act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853. Gwinn	639		
435	An act to authorize the Board of Supervisors of Napa County to levy a special tax for certain purposes. Coombs	638	638	
436	An act authorizing the counties of Klamath and Del Norte to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the foreign miners' license tax which shall be collected in said counties for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the construction and improvement of roads and highways in said counties. Daggett	649		
437	An act for the better protection of laborers, mechanics, and other workmen. Johnson of Amador	650	669	
438	An act appropriating money for the payment of the copying of the Legislature during the eleventh session. McDermit	650	650	672
439	An act to declare the Green Valley Creek, in the county of Solano, a navigable stream. Swan	649	650	
440	An act to amend an act entitled an act to annex a portion of San Joaquin County to Stanislaus County, approved February 17th, A. D. 1860. Walden	649	649	673
441	An act to authorize John J. Tomlinson and associates to build a wharf at the port of San Pedro, in the county of Los Angeles.	649	649	799

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
442	An act to provide for the draining and reclamation of certain lands therein named. Goodman	649		
443	An act to amend an act entitled an act to authorize the Executors of Joseph L. Folsom, deceased, to sell real estate of their testator at private sale, so far as said act relates to lands situated in the county of Sacramento. Welty	649	669	706
444	An act to make valid, effectual, and recordable, conveyance of real estate executed by a person or persons as Attorney or Attorneys in fact of a husband and wife. Sawyer	649		
445	An act concerning landlord and tenant. Sawyer	649		
446	An act to amend an act entitled an act to provide for the incorporation of railroad companies, passed April 22d, 1853, as amended by various acts amendatory thereof. Schmidt	649		
447	An act for the settlement of the estates of certain minors. Coombs.	649	649	779
448	An act to authorize William Norris, Administrator of the estate left unadministered of the estate of James Blair, deceased, to sell real estate of said deceased at private sale. Rogers of San Francisco.	649	649	685
449	An act amendatory of, and supplemental to, an act entitled an act to provide for the incorporation of the city of Yreka, approved April 21st, 1857. McDermit	649	649	800
450	An act to prevent estray stock from crossing toll-bridges in this State. Stone	658		
451	An act for securing liens to journeymen printers. Conness	658		
452	An act to exempt the property of Morning Star Lodge of the I. O. O. F. of Placerville, from taxation. Hawley	658		
455	An act for the relief of the heirs of Patrice Dillon. Sawyer	659	696	714
454	An act supplementary to an act entitled an act to confer further powers upon the Board of Education, and the Auditor, and Treasurer of the city and county of San Francisco; also, amendatory of an act approved April 23d, 1858, entitled an act to confer further powers upon the Board of Supervisors, and Auditor, and County Treasurer of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, approved March 15th, 1860. Rogers of San Francisco	659	659	672
455	An act supplementary to, and amendatory of, an act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and the acts amendatory thereof. Laspeyre	657		
456	An act to authorize the County Recorder of Shasta County, to transcribe certain records, and to legalize the same. White	659	659	
457	An act to authorize the construction of a wagon road from Sonora in Tuolumne County, to the State line, at a point near Mono Lake, and to appropriate money therefor. Bailey of Tuolumne	659		
458	An act fixing the terms of the District Court, Court of Sessions, and Probate Court, for the county of Mendocino. Lamar	659	659	713
459	An act to define the duties of officers and employés of the Assembly, establish their pay, and to repeal all existing laws in relation thereto. Shannon	670	670	713

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
460	An act to amend an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851. Williams.....	676		
461	An act to exempt certain property from taxation. Williams.....	676	676	
462	An act recommending to the electors of the State, to vote for, or against a convention to revise and change the Constitution of the State. Burson.....	676		
463	An act to grant the right to construct a bridge across South Eel River, Mendocino County, to certain parties therein named. Maxson.....	676	676	
464	An act to authorize the Board of Supervisors of San Mateo County to levy a special tax for road purposes. Maxson.....	676	676	741
465	An act concerning the Independent Order of Knighthood. Johnson of Amador.....	676	676	
466	An act to provide for the construction of a McAdamized Road within the limits of the city and county of San Francisco. Tilton.....	676	718	
467	An act to fix the compensation of the County Judge of Contra Costa County. Yager.....	677	677	725
468	An act to repeal an act approved March 22d, 1860, concerning Inspectors of beef, pork, and salt provisions. Stone.....	677		
469	An act concerning publications in Yolo County. Gwinn.....	677	677	
470	An act for the construction and improvement of a wagon road leading from Lake City to Utah Territory, called the Henness Pass route. Hayes.....	677		
471	An act to provide for the inspection of flour. O'Connor.....	677		
472	An act concerning roads and highways in the county of Placer. Beach.....	676	676	741
473	An act concerning the office of District Attorney in the county of Los Angeles. Maxson.....	676		
474	An act to authorize the Commissioners of the funded debt of the county of Contra Costa to reissue certain coupons of the bonds of said county to Jesse N. Bowles. Yager.....	677	677	756
475	An act in relation to a special tax for road purposes, in the county of Amador. Johnson of Amador.....	676	784	
476	An act to extend the provisions of an act approved April 7th, 1857, entitled an act to amend an act entitled an act to amend an act to regulate proceedings in criminal cases, passed May 1st, 1851, approved March 22d, 1856. Conn.....	677	677	
477	An act to amend Section 219, of the act of April 29th, 1851, to regulate proceedings in civil cases. Johnson of Amador.....	676		
478	An act supplementary to an act entitled an act to amend the act to regulate the settlement of the estates of deceased persons, passed February 7th, 1860. Rogers of San Francisco.....	677	677	
479	An act to pay the claim of H. C. Kibbe. Welty.....	676	780	799
480	An act to prohibit the carrying of deadly weapons concealed. Welty.....	676		

ASSEMBLY BILLS.

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
481	An act to appropriate money to parties therein named. Committee on Claims. Stevenson	681	779	
482	An act for the payment of certain claims and deficiencies. Committee on Claims	681	689	740
483	An act making an appropriation for deficiency in the appropriation made for printing, paper, and official advertisements, for the eleventh fiscal year. Lamar	690		799
484	An act for the relief of John R. Houk. Lawrence	694		
485	An act to authorize and require the State Treasurer to issue war bonds for the relief of J. S. P. Bass & Co. White	694	694	799
486	An act to provide for the payment of A. J. F. Phelan. Committee on Claims	717		799
487	An act appropriating money to pay the claim of J. S. Love. Committee on Claims	717	778	799
488	An act to provide for the purchase of a burial place for the use of this State, and for other purposes therein specified. Conness	721	722	756
489	An act to regulate fees in criminal cases in the county of Yolo. Gwinn	722	722	
490	An act to appropriate money for the payment of D. H. Whipley. Committee on Claims	739	740	779
491	An act concerning School District Number Four, of Suisun Township, in the county of Solano. Swan	754	754	
492	An act amendatory of an act passed April 24th, 1853, entitled an act to repeal an act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento. Ellis	769	770	
493	An act declaring the streets and alleys in the town of Red Bluff public highways	778	778	
494	An act making appropriation for deficiencies for the eleventh fiscal year ending the thirtieth day of June, one thousand eight hundred and sixty. Daggett	783	783	800
495	An act concerning weights and measures in the county of Amador. Johnson of Amador	783		

ASSEMBLY CONCURRENT RESOLUTIONS.

Number.....	TITLE	Reported.....
1	Concurrent Resolution relative to Pacific Railroad Convention. Rogers of San Francisco	27
2	Concurrent Resolution relative to granting leave of absence to W. W. Porter. Shelton	28
3	Concurrent Resolution relative to Joint Convention for election of United States Senator. Lamar	23
4	Concurrent Resolution relative to granting leave of absence to C. E. Wilcoxon. Smith of Sutter	33
5	Concurrent Resolution relative to appointment of committee to prepare for the inaugural ceremonies. Welty	37
6	Concurent Resolution relative to the votes cast at the general election of one thousand eight hundred and fifty-nine either for or against the calling of a convention to revise the Constitution. Kungle	36
7	Concurrent Resolution relative to swamp and overflowed lands. Gwinn	36
8	Concurrent Resolution relative to County Clerk of Siskiyou County. McDermit	36
9	Concurrent Resolution relative to joint convention to receive the oath of office of Governor and Lieutenant-Governor elect. Wilkins	38
10	Concurrent resolution relative to granting leave of absence to Judge Creanor. Bailey of Tuolumne	38
11	Concurrent Resolution relative to granting leave of absence to Judge McKinstry. Wilkins	38
12	Concurrent Resolution relative to employment of fireman. Shelton	39
13	Concurrent Resolution relative to establishment of weekly mail from San Juan to Los Angeles. Henry	116
14	Concurrent Resolution relative to joint convention on translation of laws. Covarrubias	116
15	Concurrent Resolution relative to joint committee to investigate the State prison management. Bailey of Tuolumne	117
16	Concurrent Resolution relative to joint convention on amendments to Constitution. Johnson of Amador	136
17	Concurrent Resolution relative to daily overland mail. Welty	136
18	Concurrent Resolution relative to segregation of the southern portion of the State. Rogers of San Francisco	155
19	Concurrent Resolution relative to printing Governor's message in German. Johnson of Sierra	157
20	Concurrent Resolution relative to joint committee on judiciary. Williams	204
21	Concurrent Resolution relative to printing documents in relation to the division of the State. Warner	189
22	Concurrent Resolution relative to printing Quartermaster-General's report. Welty	188
23	Concurrent resolution relative to printing in the Spanish language the reports of the Superintendent of Public Instruction, State Controller, and State Treasurer. Malarin	195

ASSEMBLY CONCURRENT RESOLUTIONS.

Number.....	TITLE.	Reported.....
24	Concurrent Resolution relative to printing proceedings of Pacific Railroad Convention. Rogers of San Francisco	
25	Concurrent Resolution relative to joint committee on Constitution. Conness	195
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73	Concurrent Resolution relative to leave of absence of State Treasurer. Conness	688
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38	An act fixing the time when general laws shall take effect. Sharp	170	207	254
39	An Act authorizing the Board of Supervisors of El Dorado County to levy a bridge toll at Brockliss' on the Sacramento and El Dorado Wagon Road over the Sierra Nevada. Titus	174	377	
40	An act amendatory of, and supplementary to, an act entitled an act concerning the courts of justice of this State and judicial officers, passed May 19th, 1853. Sharp	174	204	254
41	An act for the permanent location of the seat of government at the city of Oakland. Redman	177		
42	An act to amend an act entitled an act relative to escheated estates, approved April 29th, 1856. Merritt	177		
43	An act to provide revenue for the support of the government of this State. Kirkpatrick	177	627	
44	An act to authorize the Board of Supervisors of Santa Clara County to issue a license for a toll bridge across the Pajaro River at Mal-Paso, on the line between the counties of Santa Clara and Monterey. Watson	180	198	213
45	An act to audit and allow the claim of Britton & Rey. Phelps	191	250	351
46	An act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to the State for school purposes by act of Congress, passed March 3d, 1853, and to appropriate the proceeds thereof to the credit of the General School Fund. Ballou	177		
47	An act amendatory of an act entitled an act to authorize the Treasurer of the city and county of San Francisco to execute certain deeds and cancel certain claims, approved April 26th, 1853. Sharp	191	275	549
48	An act to appropriate money to pay J. W. Lockwood. Lansing	191	250	318
49	An act to fix the compensation of the District Attorney of Napa County. Edgerton	191	245	374
50	An act for the relief of Otis Brett. Franklin	192		
51	An act to define the boundaries of Sacramento County. McDonald	192		
52	An act to amend an act entitled an act concerning courts of justice of this State and judicial officers. Redman	192	209	255
53	An act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as apprentices, clerks, and servants, orphan and half orphan children under their care and tuition. Pooley	191	245	310
54	An act to repeal an act entitled an act concerning roads and highways in the county of Nevada, approved March 2d, 1859, and an act supplementary and supplementary thereof. Chas	192	209	310
55	An act to give effect to patents for lands issued in the names of deceased persons. Merritt	193	209	252
56	An act to regulate the transmission of news by telegraph. Lansing	192		
57	An act to repeal an act entitled an act to provide for the appointment of a Gager for the port of San Francisco. Ballou	194		

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58	An act to provide for the construction of the State capitol in the city of Sacramento. Merritt	194		
59	An act to extend the time for the collection of taxes in the county of Tulare. Merritt	196	196	213
60	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, and to repeal an act amendatory thereof, approved April 15th, 1858. Phelps	196		
61	An act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Phelps	196		
62	An act to amend an act entitled an act to reduce salaries and pay of officers and members of the Legislature. Dickinson	203		
63	An act to provide for the payment of D. O. Mills & Co. Redman	212		
64	An act to compensate the Resident Warden or Director of the State prison. Anderson	203	230	323
65	An act concerning District Court Reporters. Anderson	219		
66	An act to prohibit the burning of bricks within certain limits of the city and county of San Francisco. Sharp	210	287	392
67	An act to authorize the courts of record of this State to admit Herbert Chilion Jones as an Attorney and Counselor-at-Law. Peachy	228	250	
68	An act to change the name of William C. Perry to that of William C. Miller. Titus	219		
69	An act to amend an act entitled an act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the act of April 23d, 1858. Parks	219	488	603
70	An act supplementary to an act entitled an act to prevent the trespassing of animals upon private property, passed March 31st, 1855. Redman	219	250	
71	An act authorizing the construction of certain wharfs at the foot of certain streets in the city and county of San Francisco. Wheeler	219		
72	An act creating an Insane Asylum at Marysville, Yuba County, for the State of California. Wheeler	228		
73	An act amendatory of, and supplementary to, an act to grant the right to construct and maintain a bridge across the Feather River, passed April 26th, 1858. Watkins	229	335	470
74	An act to amend an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Wheeler	229		
75	An act to authorize County Courts to change names in certain cases, and to prohibit application to the Legislature therefor. Ballou	230		
76	An act to provide for the issuance of patents to lands located with State School Land Warrants, and for lands purchased under the act of April 23d, 1858. Ryan	231		
77	An act to establish pilots and pilot regulations for Humboldt Bay and Bar. Ryan	234	341	

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Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
78	An act to alter and define the boundary line of Yuba County. Watkins	233	475	
79	An act to release the sureties on a certain bond. Merritt	234	245	254
80	An act to amend an act entitled an act concerning marks and brands, passed May 1st, 1851. Ryan	234		
81	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 21st, 1851. Sharp	233		
82	An act amendatory of, and supplementary to, an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851. Phelps	233		
83	An act entitled an act to amend an act entitled an act concerning passengers arriving in the ports of this State, approved May 3d, 1852. Merritt	239	256	259
84	An act to amend an act entitled an act to create the county of Merced, to define its boundaries, and to provide for its organization, approved April 19th, 1855. Merritt	239	240	
85	An act to amend an act to prohibit gaming. Edgerton	237		
86	An act to ratify and confirm order one hundred and seventy-two of Board of Supervisors of the city and county of San Francisco. Peachy	241		
87	An act defining the powers and duties of the Board of Supervisors in certain cases. Bradley	237		
88	An act appropriating moneys for the benefit of the San Francisco Ladies' Protection and Relief Society. Sharp	242	325	
89	An act to create the office of State Geologist, and define the duties thereof. Logan	243	367	506
90	An act providing for the payment of a judgment in favor of Trustum C. Gilman, against the county of Contra Costa. Merritt	244	331	382
91	An act providing for the disposition and reclamation of the swamp and overflowed lands donated to this State by the U. States. Dent	243		
92	An act to amend an act to regulate proceedings in civil cases, passed April 29th, 1851. Sharp	243		
93	An act to authorize the city and county of San Francisco to settle certain claims. Peachy	246	252	351
94	An act to amend an act entitled an act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April 19th, 1856. Sharp	243		
95	An act for opening and repairing roads in the county of Sutter. Parks	250		
96	An act to grant to certain parties the right of constructing a road from Larkin Street to Point Lobos, in the city and county of San Francisco. Peachy	249		
97	An act to amend an act entitled an act to amend an act entitled an act concerning fraudulent conveyances, passed April 19th, 1850, approved April 9th, 1856. Edgerton	250		

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Number.....	TITLE.	Introduced...	Passed Senate	Passed Assembly.....
98	An act to amend an act entitled an act concerning the courts of justice of this State and judicial officers, approved May 19th, 1853, and an act amendatory thereof, approved April 13th, 1854. Watson.....	256	270	288
99	An act to amend an act entitled an act to regulate proceedings in criminal cases, approved May 1, 1851. Watson.....	256	270	288
100	An act to provide for the better observance of the Sabbath. Vance	262		
101	An act to authorize William Potter to sell certain real estate. O'Farrell	264	299	318
102	An act concerning prescriptions. Sharp.....	264		
103	An act for the erection of a building for a State Reform School and for the regulation of the same. Parks.....	264	595	618
104	An act to authorize the Board of Supervisors of the county of El Dorado to take and subscribe three hundred thousand dollars to the capital stock of the Placerville and Folsom Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Titus	264		
105	An act supplementary to an act amendatory of an act concerning officers, approved April 28th, 1851. Merritt	264	327	445
106	An act concerning the office of Controller. Merritt.....	264		
107	An act appropriating moneys for the benefit of the Ladies' Seamen's Friend Society. Peachy	265		
108	An act amendatory of, and supplementary to, an act entitled an act to create Inspectors of pork, beef, and salt provisions, in this State, approved April 23d, 1856. Watkins.....	273	385	498
109	An act to declare navigable the Arroyo de San Antonio, or Reyes Creek, Marin County. O'Farrell	277		
110	An act to provide for the annual appointment of a Joint Standing Committee on Claims. Logan	277		
111	An act to authorize the Board of Supervisors of Colusa County to levy a special tax for building purposes. Logan	275	275	294
112	An act to authorize John S. Berry, Administrator of the estate of F. Bohen, deceased, to sell certain real estate in Butte County. Vance	275	282	318
114	An act to provide for the appointment of a State Assayer of ores and metals, and to define his duties. Wheeler.....	275	[illegible]	432
115	An act to change the time of holding the Court of Sessions and County Court, in the county of Placer. Leet.....	274	274	294
116	An act concerning partition fences. Vance.....	274		
117	An act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State. Merritt	273		
118	An act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, approved May 4th, 1852. Anderson.....	274	593	
119	An act making appropriation for the payment of D. J. Snyder for services rendered by him. Clark.....	277	636	761

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
120	An act amendatory of an act entitled an act to amend an act entitled an act to provide for the support of the government of this State, approved May 15th, 1854, approved April 27th, 1855. O'Farrell	275	486	
121	An act to provide for the building of a turnpike or graveled road in Santa Clara County. Redman	280	280	351
122	An act authorizing certain parties to construct a wharf on Petaluma Creek, in Sonoma County. O'Farrell	281	387	
123	An act defining the rights of purchasers at sales on execution and their remedies. Eagon	283		
124	An act to provide for the correct report and publication of the decisions of the Supreme Court. Peachy	281	325	437
125	An act enabling purchasers of real property to obtain possession of land sold on execution. Eagon	283		
126	An act to amend an act entitled an act concerning the office of Public Administrator, and making it elective, approved April 15th, 1854. Redman	280	346	445
127	An act to change the name of Robert Goodwin to that of Robert Henry Wright. Ballou	281	281	
128	An act amendatory and supplemental to an act authorizing the Guardian or Guardians of certain minors to sell and dispose of their real estate and chattels real, passed April 8th, 1859. O'Farrell	280	334	345
129	An act to prevent illegal traffic in soda water bottles. Clark	280		
130	An act concerning assessments in San Joaquin County. Dent	280	365	
131	An act to change the name of Andrew Jackson Knecttle to that of Andrew Jackson Brewer. Chase	280	280	351
132	An act defining the number of Justices of the Peace, and Constables in the city and township of Placerville, in El Dorado County. Titus	275	335	445
133	An act to provide for the issuance and payment of bonds for expenses incurred in the suppression of Indian hostilities in certain counties in this State. Ryan	286	461	
134	An act amendatory of, and supplementary to, an act entitled an act concerning lawful fences. Phelps	286		
135	An act amendatory of an act entitled an act to repeal the several charters of the city of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof, approved April 19th, A. D. 1856, and of an act amendatory and supplementary thereof, approved April 18th, 1857, and of an act amendatory thereof, approved March 28th, 1859. Sharp	294	775	
136	An act to amend an act entitled an act to provide revenue for the support of the government of this State, approved May 15th, 1854. Phelps	294	328	
137	An act to authorize the employment of a Porter in the office of the Secretary of State. Quinn	294		
138	An act to establish a Marine Court for the city and county of San Francisco. Peachy	296		

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
139	An act to amend an act to authorize the counties of the State of California to become stockholders in railroad companies, approved April 16th, 1859. Redman	294	632	661
140	An act for the reclamation and sale of the swamp and overflowed lands of this State. Parks	294	514	
141	An act to authorize certain counties to retain the State's portion of the poll tax, less that portion allowed by law to be paid into the General School Fund, and the State's portion of the foreign miners' license tax, which shall be collected in the said counties, for the years one thousand eight hundred and sixty, and one thousand eight hundred and sixty-one, to be applied to the construction and improvement of certain wagon roads over the Sierra Nevadas. Titus	302	496	580
142	An act amendatory of, and supplementary to, an act entitled an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to July 1st, A. D. 1858. Sharp	305	681	762
143	An act for the relief of George W. Manchester. Parker	305	346	
144	An act fixing the time for holding Court of Sessions and County Court, in the county of Del Norte. Haynes	305	382	382
145	An act supplementary to an act to confer further powers upon the Board of Supervisors, and Auditor, and Treasurer, of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April 23d, 1858. Sharp	311	726	762
146	An act in relation to services rendered the State by the officers of the city and county of Sacramento. Clark	313		
147	An act to provide for the draining and reclamation of certain lands therein named, and for other purposes. Watkins	315		
148	An act empowering the Board of Supervisors of Shasta County, to allow the account of J. C. Hinckley & Company, for publishing certain delinquent tax lists. Logan	324	324	330
149	An act to authorize the Board of Supervisors of San Joaquin County, to levy a special tax for the purpose of assisting the San Joaquin Valley District Agricultural Society. Dent	324	324	330
150	An act to amend an act to fix the time of holding the County Court, Probate Court, and Court of Sessions, of Sierra County. Kirkpatrick	324	324	330
151	An act to provide for the payment of a digest of the decisions of the Supreme Court, and for the distribution of the same. Kirkpatrick	324		
152	An act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes for the year one thousand eight hundred and sixty. Kirkpatrick	331	331	431
153	An act to authorize the Board of Supervisors of Del Norte County to levy a special tax for county purposes. Haynes	331	331	345
154	An act to amend an act entitled an act to amend an act to provide revenue for the support of the government of this State, approved April 29th, 1857, approved April 24th, 1858. Phelps	131		
155	An act appropriating moneys for agricultural purposes. Watkins	331		

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Number.....	TITLE.	Introduced...	Passed Senate	Passed Assembly .....
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157	An act to change the name of the town of Union to that of the town of Arcata. Ryan.....	339	431	471
158	An act for the adjustment and final settlement of the indebtedness of Del Norte County to Klamath County. Haynes.....	339	362	
159	An act to amend an act entitled an act concerning crimes and punishments, passed April 16th, 1850. Redman.....	345	489	
160	An act to authorize the Board of Supervisors of Shasta County to audit and allow the Clerk of the Court of Sessions additional pay for services in certain cases. Logan.....	345	345	351
161	An act to audit and allow certain claims. Watson.....	348		
162	An act to authorize the executors of the estate of Peter Tracy, deceased, to sell real estate at public or private sale. Watson.....	352	352	375
163	An act in relation to publications. Phelps.....	351		
164	An act amendatory of an act entitled an act authorizing the Treasurer of the State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April 25th, 1857, and an act amendatory, approved April 7th, 1859. Titus.....	351	711	763
165	An act authorizing and empowering Hiram Eckert, of Butte County, Guardian of Frank Spencer Eckert, to convey, by good and sufficient deed or deeds, certain lands in said county. Vance.....	352	378	506
166	An act amending an act entitled an act to establish the Industrial School Department of the city and county of San Francisco, approved 15th April, A. D. 1858. Sharp.....	351	355	375
167	An act in relation to a sea-wall or bulkhead in the city and county of San Francisco. Titus.....	352	582	651
168	An act to give immediate effect to an act therein named. Watkins.	357	357	360
169	An act for the relief of Michael Gregory. Edgerton.....	360	378	
170	An act for the relief of John C. Hays, late Sheriff of San Francisco County. Watkins.....	360		
171	An act authorizing the Board of Supervisors of the county of Santa Cruz to levy a special tax for building purposes. Watson.....	360		
172	An act for the payment of certain claims. Committee on Claims..	361	377	
173	An act declaratory of, and describing, the eastern line of this State, and organizing the county of Washoe. Merritt.....	365		
174	An act to authorize the State Treasurer to receive and cancel certain evidences of indebtedness. Titus.....	370	431	600
175	An act to provide for the disposal of lots in the towns and villages on the public lands in Mendocino County. O'Farrell.....	365	523	
176	An act to fix the compensation of the District Attorney of San Mateo County. Sharp.....	365		
177	An act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras County. Bradley.....	368		

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Number.....	TITLE.	Introduced...	Passed Senate	Passed Assembly .....
178	An act to provide for the annexation of territory to the State of California, with the consent of Congress, and to provide for the government of the same. Chase	371		
179	An act to audit and allow the claim of W. D. Kirk. Franklin	370		
180	An act to provide for the proper registration and canceling of the evidences of indebtedness paid prior to the term of the present incumbent. Titus	370	432	603
181	An act concerning the government of the city of Marysville. Wheeler	370	371	394
182	An act to amend an act entitled an act to authorize Charles J. Collins, his associates and assigns, to build a wharf, at or near, Point Colberg, in Solano County, passed April 21st, 1857. Parker	373	427	
183	An act for the relief of Henry P. Hoyt and his assigns. Parker	374		
184	An act making appropriations for deficiencies in appropriations made for the tenth fiscal year, ending June 30th, 1860. Dent	373		
185	An act relating to the time of commencing suits upon judgments and the issuing of execution thereon. Parker	373		
186	An act to facilitate the establishment of telegraphic communication between California and the Atlantic States. Edgerton	373	708	
187	An act to authorize the county of Butte to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Railroad Company, and to issue the bonds of said company for the payment of the same, and for other purposes connected therewith. Vanee	533	410	430
188	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Clark	386		
189	An act for the more thorough distribution of the laws of this State. Clark	383		
190	An act to appropriate fifteen thousand dollars for the construction of a wagon road through the county of Santa Barbara. De la Guerra	386	504	745
191	An act to amend an act to incorporate the city of San José, approved April 21st, 1859. Redman	383	383	797
192	An act to provide for the collection of delinquent taxes in the city and county of Sacramento. McDonald	383	553	565
193	An act to authorize the collection of taxes within this State. Merritt	383		
194	An act to appropriate money for the purchase of certain city lots and a dairy for the State Insane Asylum. Titus	383	436	600
195	An act to increase the School Fund of the several counties of this State. Dent	383		
196	An act to appropriate money for the relief of destitute females in San Francisco County. Sharp	456	624	
197	An act amendatory of, and supplementary to, an act entitled an act amendatory of an act to provide revenue for the support of the government of this State, approved April 19th, 1856. Ballou	463		

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
198	An act to change the name of Frances Butler McAllister to Francis Butler. Sharp	393		
199	An Act for the protection of fisheries. Crittenden	402	752	793
200	An act concerning the Board of State Prison Directors. Leet	394	788	798
201	An act to fix the compensation of the Auditor of Napa County. Edgerton	431	408	
202	An act concerning roads and highways in Siskiyou County. Haynes.	410	410	430
203	An act in relation to lobying and log-rolling. Redman	407	550	
204	An act to incorporate the San Joaquin Valley Agricultural Society. Dent	407		
205	An act to make valid and effectual, conveyances of real estate executed by a person or persons as Attorney or Attorneys in fact of a husband and wife. Sharp	407		
206	An act to provide for the codification of the laws of this State. Watkins	407		
207	An act to amend an act entitled an act concerning agricultural societies, approved March 12th, 1859. Redman	426		
208	An act in relation to Chinese or Mongolians working in the mines of this State. Ballou	427		
209	An act to provide for the payment of copying journals for the Senate for the year one thousand eight hundred and fifty-five. Parker	426		
210	An act to define and establish a portion of the eastern boundary of the State of California. Watson	434	539	
211	An act to provide for the preparing of a catalogue of the State Library. Leet	434		
212	An act to fix the compensation of the County Treasurer of Napa County. Edgerton	434		
213	An act to insure the State Library. Merritt	437		
214	An act amendatory of an act entitled an act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice in this State, passed April 29th, 1851, approved April 15th, A. D. 1858. Leet	434		
215	An act to fix the compensation of the County Judge of Tulare County. Merritt	546	546	
216	An act authorizing and empowering the County Recorder of Sonoma County to transcribe certain records, and to legalize the same. O'Farrell	441	441	
217	An act to regulate the compensation of the County Surveyor of Napa County. Edgerton	444		
218	An act to amend an act entitled an act concerning forcible entries and unlawful detainers. Sharp	441		
219	An act appropriating moneys for the benefit of certain Orphan Asylums in this State. De la Guerra	404	703	747
220	An act to amend an act entitled an act to provide for paying certain			

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
	equitable claims against the State of California, and to contract a funded debt for that purpose. De la Guerra.....	443		
221	An act to audit and allow the claim of J. J. Lecount. Watkins....	466	565	
222	An act to provide for the safe and speedy transportation of the State funds from the offices of the County Treasurers, to the State Treasurer. Merritt.....	474		
223	An act for the relief of the heirs of Pierre Maurin, deceased. Peachy	472	750	773
224	An act to authorize Peter H. Abbersten to construct a turnpike road in the county of Napa. Edgerton.....	474		
225	An act to provide for the compensation of the State Registrar of the State of California. Watkins.....	474	707	768
226	An act to appropriate money to pay the claim of Charles A. Clark. Bradley.....	484	603	
227	An act to authorize the Board of Supervisors of Sierra County to audit the claim of Moses Haynes, for services rendered in arresting a fugitive from justice. Kirkpatrick.....	483	483	527
228	An act amendatory of an act entitled an act to establish Pilots and Pilot regulations for Humboldt Bay and Bar, approved March 8th, 1860. Parks.....	485	485	661
229	An act to authorize the sale of certain real estate by Guardians. Pico.....	486	486	607
230	An act to repeal an act entitled an act amendatory of an act to incorporate the State Agricultural Society and appropriate money for its support, approved May 13th, 1854, approved March 21st, 1858. Redman.....	486		
231	An act concerning official bonds of Sheriffs and Coroners. Phelps	487		
232	An act to appropriate money to pay the claim of D. H. Whipley. Bradley.....	487		
233	An act to establish an Eye and Ear Infirmary. Sharp.....	491		
234	An act appropriating money for the benefit of the German Benevolent Society of San Francisco. Sharp.....	491		
235	An act to incorporate the town of Auburn. Anderson.....	500	500	
236	An act to grant the right of way and to authorize certain persons therein named to lay down and maintain a railroad track within the limits of the city and county of San Francisco, and to run cars thereon. Parker.....	491		
237	An act to authorize the Board of Supervisors, and Auditor, and Treasurer, of the city and county of San Francisco to provide for the actual and prospective deficiency in the Corporation Debt Fund of said city and county for the fiscal years one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty. Sharp.....	503	503	539
238	An act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853. O'Farrell.....	509		
239	An act to authorize pilots and pilot regulations for the port of San Francisco. O'Farrell.....	505		

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
240	An act authorize Jeremiah N. Hollinsead to convey certain real estate. Parker	509	513	584
241	An act to provide for the location of the county seat of Yolo County. Edgerton	505		
242	An act to authorize and direct the Treasurer of State of California to pay over to F. J. Thibault certain audited claims. Sharp	503		
243	An act for the payment of the claim of Shafter and Heydenfeldt. Watkins	512		
244	An act for the relief of the indigent deaf, dumb, and blind, of the State of California. Sharp	513	554	617
245	An act to provide for funding the unpaid interest on the war bonds. Watkins	510		
246	An act making an appropriation for deficiency in the appropriations made for salary of Controller of State for the eleventh fiscal year, ending June thirtieth, one thousand eight hundred and sixty. Bradley	513	529	617
247	An act to authorize the Board of Directors of the State Library to purchase certain newspapea files, and to provide for the payment of the same. Parker	531	622	
248	An act amendatory of, and supplementary to, an act entitled an act to authorize the county of Butte to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Railroad Company, and to issue the bonds of said county for the payment of the same, and for other purposes connected therewith. Vance	533	533	536
249	An act to provide for preparing a catalogue for the State Library. Parker	532		
250	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State. Sharp	543		
251	An act granting further powers to the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco. Sharp	545	545	560
252	An act to fix the compensation of the County Judge of Tulare County. Merritt	546	546	607
253	An act to define the time for commencing civil actions in certain cases. Chase	546		
254	An act to provide for a line of telegraph from Santa Cruz to Santa Clara. Watson	546		
255	An act to enable County Judges to alternate. Logan	546		
256	An act to procure a conveyance by John Center to the State, of certain real and personal property at and near the State prison. Sharp	557		
257	An act to pay the fees of Attorneys in certain cases in which the State is interested. McDonald	558	655	784
258	An act to provide for the settlement of all claims against the State of California, arising out of, or connected with, the contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the			

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
	lease of the State prison and convict labor, and to procure the cancellation of said contract, and the surrender of the State prison to the State. Dent	563		
259	An act for the survey of logs in the county of Humboldt. Ryan	563	563	585
260	An act for the relief of purchasers of school and seminary lands in this State. Redman	557		
261	An act to audit and allow the claim of J. M. Warner. Watkins		631	660
262	An act amending an act entitled an act to incorporate the town of Auburn. Anderson	581	581	585
263	An act to change the name of Jeremiah Gove Baker to Henry Tiffany Baker. Phelps	582	582	585
264	An act to declare certain streams and sloughs navigable, in Humboldt County. Ryan	582	582	585
265	An act legalizing the assessment roll in the county of Plumas in the year one thousand eight hundred and fifty-nine. Ballou	582	582	585
266	An act to more perfectly define the dividing line between the counties of Butte and Yuba. Vance	583		
267	An act for the protection of water companies. Parker	591		
268	An act to amend an act entitled an act to amend an act entitled an act declaring certain rivers and creeks navigable, passed February 18th, 1851, and to amend an act amendatory thereto, passed May 17th, 1853, passed May 15th, 1854. McDonald	591	594	607
269	An act to audit and allow the claim of William Duer, or his assigns. Phelps	587		
270	An act to authorize certain parties therein named, to construct a dam across the Guadalupe River, in Santa Clara County. Redman	591	591	633
271 of	An act to authorize the Board of Supervisors of the city and county Sacramento to levy a special tax. Clark	591	616	677
272	An act to authorize the Courts of Record of this State to admit Joseph Rodriguez Brandon as an Attorney and Counselor-at-Law. Sharp	589		
273	An act to authorize Joshua Chadbourne and Josiah Bacon to construct and maintain a wharf at Lakeville, in the county of Sonoma. Sharp	595	595	660
274	An act to release certain judgments. Merritt	593	631	677
275	An act to audit and allow the claim of Edmund Williamson & Co. Bradley	605	667	761
276	An act granting further powers to the Board of Supervisors of Amador County. Eagon	608	608	632
277	An act to regulate the fees of the Clerk of the Supreme Court.	603		
278	An act to amend an act entitled an act to amend an act entitled an act to provide for the incorporation of railroad companies, passed April 10th, 1855. Clark	608		
279	An act appropriating money to pay the claim of B. F. Hastings & Company, assignees of John O'Meara. Bradley	606		

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
280	An act to fix the compensation of the District Attorney of Tulare County. Merritt	613	613	
281	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, and other acts amendatory thereto. Anderson	613	613	661
282	An act to prevent the tortious taking, removal, or commission of logs suitable to be cut or sawed into lumber, while being driven upon the rivers, streams, and other waters, or while being, or lying upon the lands adjacent thereto, previous to being driven to some saw-mill or place of manufacture. McDonald	613		
283	An act in addition to an act for the relief of insolvent debtors, and the protection of creditors, passed May 4th, 1852, and to amend the same. Peachy	621		
284	An act granting to C. C. Hayden and others the right of laying a railroad track in certain streets in the city of Sacramento. Clark	621		
285	An act to grant the right of way, and to authorize the parties therein named to lay down and maintain a railroad track within the limits of the city and county of San Francisco. O'Farrell	621		
286	An act to authorize the administrator of the estate of Albert Wardwell, deceased, to sell the real estate of said deceased at public or private sale. Parker	621	647	661
287	An act for the relief of Lewis Teal, late Tax Collector in and for the city of San Francisco. Sharp	645		
288	An act amendatory of an act entitled an act to amend an act entitled an act to establish an asylum for the insane of California, passed May 17th, 1853, approved April 14th, 1858. Titus	645	676	
289	An act amendatory of an act concerning the offices of Sheriff and County Recorder of the city and county of San Francisco. Sharp	646	744	
290	An act appropriating money for the completion of a wagon road over the Sierra Nevada. Crittenden	648	683	
291	An act to create the office of State Geologist, and define the duties thereof. Logan	648	648	703
292	An act making appropriations for deficiencies for the eleventh fiscal year ending June thirtieth, one thousand eight hundred and sixty. Lansing	654		
293	An act to amend an act entitled an act to provide for the incorporation of railroad companies, passed April 22d, 1853, and also the several acts amendatory thereof. Sharp	653		
294	An act to authorize the Secretary of State to sell certain refuse stationery belonging to the State. Clark	653	653	
295	An act to provide for the report and publication of certain decisions of the Supreme Court	654	723	748
296	An act to provide for the collection and removal of Indians in the counties of Mendocino and Humboldt. Ryan	654		
297	An act to provide for the examination and payment of certain claims against the city, and against the city and county of San Francisco.		728	798
298	An act granting to Henry B. Tichnor and his assigns, the right to			

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
	construct and use a marine railway, dry dock, and ship yard, in the city and county of San Francisco. Sharp.....	654		
299	An act to provide for the collection of delinquent taxes in Colusa County. Logan.....	662	662	703
300	An act to provide for the laying out and construction of certain public roads in the county of San Joaquin, and to compensate the owners of land taken for that purpose. Dent.....	662	662	
301	An act to authorize the Board of Supervisors of the county of San Francisco to subscribe to the capital stock of the San Francisco and San José Railroad Company. Peachy.....	665	665	685
302	An act to amend an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles. Wheeler.....	662	752	773
303	An act to authorize the Board of Supervisors of the county of San Mateo to subscribe to the capital stock of the San Francisco and San José Railroad Company. Phelps.....	665	665	685
304	An act to fix the times of the meeting of the Board of Supervisors of Del Norte County. Haynes.....	667	667	703
305	An act to provide revenue for the support of the government of this State, and the city and county of Sacramento. Clark.....	667		
306	An act supplemental to, and explanatory of, an act entitled an act to authorize the collection of State and county taxes in the county of Mariposa, approved April 6th, 1860. Merritt.....	665	665	703
307	An act concerning the action of libel.....	666	727	773
308	An act amendatory of an act to define the boundary line of the State of California. Leet.....	665		
309	An act to authorize the Board of Supervisors of Calaveras County to levy a special tax for the construction of a wagon road. Bradley.	673	673	
310	An act to authorize the Board of Supervisors of Santa Clara County to subscribe to the capital stock of the San Francisco and San José Railroad Company. Redman.....	676	748	
311	An act to appropriate money for the payment of certain claims Watkins.....	673	679	
312	An act to authorize the town of Auburn to take and subscribe fifty thousand dollars to the capital stock of the Sacramento, Placer, and Nevada, Railroad Company. Anderson.....	678	678	719
313	An act amendatory of an act entitled an act to incorporate the town of Auburn, approved March 30th, 1860. Anderson.....	678	678	719
314	An act to authorize the Board of Supervisors of the county of Nevada to subscribe for stock for a railroad from Auburn to Nevada. Chase.....	683	683	
315	An act to amend an act entitled an act to incorporate the city of Santa Barbara, passed April 18th, 1860. De la Guerra.....	701	702	719
316	An act to audit the claim of Caroline A. Robertson. Denver.....	702	702	719
317	An act supplementary to an act entitled an act to fund the debt of the county of Mariposa and provide for the payment of the same, passed May 15th, 1854. Merritt.....	706	707	747

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
318	An act to provide for the conveyance of the interest of the minor heirs of Wm. E. P. Hartnell, deceased, in and to certain real estate in the county of Sacramento. Clark.....	702	702	761
319	An act to amend an act entitled an act for the government of the State prison and convicts, and to provide for the location of a branch prison, approved April 24th, 1860. Dent.....	706		
320	An act making appropriations for the support of the civil government of this State for the twelfth fiscal year commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive. De la Guerra.....	707	719	
321	An act in relation to the city and county of San Francisco. Anderson.....	721	726	
322	An act declaring Novato Creek or Estuary navigable. O'Farrell...	722	722	748
323	An act to audit the claim of John Herzo. Watkins.....	742		
324	An act supplementary and additional to an act to incorporate the city of Nevada, approved April 19th, 1856. Chase.....	727	727	
325	An act making an appropriation for the improvement of the Overland Mail Route through Tulare County. Dickinson.....	727		
326	An act to provide for a convention to revise and change the Constitution of the State of California. Leet.....	740		
327	An act appropriating money to complete certain wells on the Colorado Desert. Logan.....	740	763	693
328	An act for the payment of certain deficiencies. Logan.....	740	741	
329	An act for the relief of George W. Whitman. Chase.....	741		
330	An act relative to the Board of Supervisors of Sonoma County. O'Farrell.....	741	741	765
331	An act to authorize the sale of a portion of the real estate of the late James Williams, deceased. Ballou.....	741	741	761
332	An act amendatory of an act to provide revenue for the support of the government of this State, passed April 29th, 1857, so far as the county of Butte is concerned. Vance.....	743	743	
333	An act to authorize the Board of Supervisors of the city and county of Sacramento to levy a special tax. McDonald.....	750	750	
334	An act to amend an act entitled an act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, passed April 19th, 1856. Clark.....	741		
335	An act confirming certain street assessments in the city of Sacramento, and providing for the collection of the amount due for street improvements. McDonald.....	753		
336	An act to provide for paying certain equitable claims against the State of California, and to contract a Funded Debt for that purpose. Phelps.....	751	751	795
337	An act to amend section twelve of an act concerning public ferries and toll-bridges, passed April 28th, 1855. Logan.....	751		
338	An act authorizing the Board of Supervisors of the city and county			

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.....	Passed Assembly.....
	of San Francisco, to donate and convey a site for the institution to be erected for the education and care of the indigent deaf, dumb, and blind, in the State of California. Peachy.....	751	751	763
339	An act to repeal an act entitled an act to declare Feather River navigable, approved April 23d, 1858. Vance.....			
340	An act supplementary to an act entitled an act to authorize the location of the town site of Crescent City, approved February 12th, 1859. Haynes.....	752	752	764
341	An act concerning certain school property in the city of Sacramento. Clark.....	763	763	
342	An act supplementary to, and amendatory of, an act entitled an act to provide for the settlement of all claims against the State arising out of, or connected with, the contract made on the twenty-eighth of March, one thousand eight hundred and fifty-six, between the State of California and the late James M. Estell, for the lease of the State prison and convict labor, and to procure the cancellation of said contract and the surrender of the State prison to the State, approved April 21st, 1860. Sharp.....	795	796	819

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4	Concurrent Resolution relative to instructing our Senators, and requesting our Representatives in Congress, to use their influence for the passage of an act creating boundaries for a new territory in Western Utah. Kirkpatrick.....	21
5	Concurrent Resolution relative to Joint Committee to consider all papers connected with Pacific Railroad Convention. Titus.....	16
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8	Concurrent Resolution relative to survey of eastern boundary line of California. Ballou.....	27
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10	Concurrent Resolution relative to appointing a committee to wait on Governor and Lieutenant-Governor elect. Dickinson	33
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12	Concurrent Resolution relative to printing the Governor's Message in English, German, and Spanish. Parks	102
13	Concurrent Resolution relative to printing the Governor's Message, and appointing a committee of three on part of the Senate. Anderson	115
14	Concurrent Resolution relative to election of United States Senator. Dent	116
15	Concurrent Resolution relative to the bonds of the Pacific Express Company. Phelps	116
16	Concurrent Resolution relative to printing the Governor's Message in English and Spanish. Anderson	133
17	Concurrent Resolution relative to joint rules and orders. Dickinson	139
18	Concurrent resolution relative to granting leave of absence to Judge Sherrard of Sutter County. Watkins	148
19	Concurrent Resolution relative to installing Lieutenant-Governor Downey into office. Sharp	149
20	Concurrent Resolution relative to land claims of California. Peachy	
21	Concurrent Resolution relative to leave of absence to John S. Wood, County Treasurer of Napa County. Edgerton	170
22	Concurrent Resolution relative to a weekly mail between Tehama, in Tehama County, and Ukiah, in Mendocino County. Logan	174
23	Concurrent Resolution relative to translating the laws into Spanish. Dent	172
24	Concurrent Resolution relative to a Committee of Two on Translation. Watson	175
25	Concurrent Resolution relative to a mail route from Calaveras County to Utah Territory. Bradley	175
26	Concurrent Resolution relative to the mail service. Peachy	178
27	Concurrent Resolution relative to the Secretary of State contracting for translation into Spanish, messages and documents	
28	Concurrent Resolution relative to certain mail route in the northern portion of this State. Ryan	191
29	Concurrent Resolution relative to a Clerk and Sergeant-at-Arms for State Prison Committee. Bradley	199
30	Concurrent Resolution relative to a fireman. Anderson	227
31	Concurrent Resolution relative to the State Agricultural Society. Redman	220
32	Concurrent Resolution relative to printing report of State Registrar. Titus	218
33	Concurrent Resolution relative to leave of absence to S. E. Marshall, Supervisor of Tuolumne County. Franklin	237
34	Concurrent Resolution relative to meeting in Joint Convention to elect two Trustees of the Insane Asylum. Dent	679

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49	Concurrent Resolution relative to Indian war debt. Lect.....	613
50	Concurrent Resolution relative to meeting in Joint Convention to elect Trustees for the State Reform School. Parks.....	707
52	Concurrent Resolution relative to State Librarian distributing to each member, etc. copies of journals and statutes. Parker.....	791
54	Concurrent Resolution relative to leave of absence to Hon. A. J. Moulder. Kirkpatrick.....	750
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